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ABSTRACT

A reference guide to laws, rules, and regulations that govern medical practice in New York State is presented. After an overview of professional regulation in the state, licensing requirements/procedures for medicine are described including education and postgraduate training requirements, state licensing examinations, and application requirements. Provisions of Title VIII, Articles 130 and 131, of the Education Law are also covered, along with regulations of the Commissioner of Education. Attention is directed to: admission to a profession; duration and registration of a license; regulation of the professions; state management; professional misconduct; and unauthorized acts. Rules of the Board of Regents cover disciplinary proceedings in the professions, licensing, determination of good moral character, and unprofessional conduct. Rules relevant to physician's assistants, specialist's assistants, and acupuncture are also provided. Included are lists of U.S. and Canadian medical schools and schools of basic medical sciences with accredited programs, 1984-1985 by state, with information on the year organized and the dean or executive officer. Information on schools of osteopathic medicine is also provided. Forms for application for licensing and certification of education and training are included. (SW)

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The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office of the Professions
Division of Professional Licensing Services
Cultural Education Center
Albany, New York 12230

# MEDICINE
# HANDBOOK

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## PREFACE

This handbook has been developed to serve as a helpful reference guide. It contains laws, rules and regulations of the State Education Department that govern medical practice in the State of New York. The handbook also highlights requirements and procedures for obtaining licensure and first registration as a physician.

The following phone numbers and units in the State Education Department may be contacted for inquiries related to:

| | Telephone Numbers<br>518 Area Code |
|---|---|
| Licensure Forms and Requirements (Medical Processing Unit) | 474-3826 |
| Licensure Parchments (License Unit) | 474-5170 |
| Registration Status (Registration Unit) | 474-3810 |
| Scope of Practice Issues (State Medical Board) | 474-3841 |
| Verification of Licensure/Registration (Customer Service Unit)<br>In-State/Other than 518<br>(A general statement – no fee required) | 474-6097<br>1-800-342-3729 |
| Certification of Licensure (Customer Service Unit)<br>(A detailed statement – $20.00 fee required) | 474-6097 |
| Conferral of M.D. Degree (Professional Services Unit) | 474-8225 |
| Acupuncture Certification (Comparative Education Unit) | 474-3839 |

When writing to the State Education Department, address letters to the attention of the appropriate unit, for instance:

Attention: Medical Processing Unit
New York State Education Department
Division of Professional Licensing Services
Cultural Education Center
Albany, NY 12230

This publication replaces the Medicine Handbook, May 1985.

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# PROFESSIONAL REGULATION IN NEW YORK STATE

State regulation in 31 fields of professional practice, including issuance of licenses and enforcement of rules of professional conduct, is vested in the Board of Regents in New York. Medicine was the first profession regulated by the Board of Regents with the establishment of licensure of physicians in 1892.

Practice of a profession is a public trust, earned through educational preparation, experience, the passing of rigorous examinations, and commitment on the part of the practitioner to public service. The professional carries out that trust in accordance with ethical standards developed through centuries of the best professional traditions, and in accordance with State law and regulations. Professional practitioners are urged to be always conscious of the very special obligations of public service and of ethical conduct that the privilege of licensure creates.

The New York system of professional regulation is unique in that it places a citizen body, the Board of Regents, which is responsible for education at all levels, in charge of the education, licensing and discipline of the professions. It is also unique in providing for boards to advise the Commissioner and the Regents on all matters relating to licensure and discipline. The boards, each aided by an Executive Secretary appointed by the Regents, provide communication links to the professions and the public. The boards make recommendations on policy and on disciplinary issues and provide advice to the Department and the Board of Regents.

Under policy established by the Board of Regents, the Title VIII professions are administered through the following units of the Office of the Professions in the Office of Higher and Professional Education.

## Professional Education and Professional Boards

The Department monitors programs of professional education according to standards for registration (accreditation) established by the Board of Regents. Specifically, through Board Executive Secretaries and consultants, the Department evaluates proposed new programs as well as currently registered programs in some 300 institutions that prepare individuals for the practice of one or more professions. Information concerning registered programs, including licensure-qualifying programs in the professions, may be obtained by contacting the appropriate Board office.

Twenty state boards for the professions are appointed by the Board of Regents to advise the Department and the Regents on matters relating to professional licensure, practice and conduct. The law provides that these boards be comprised of a number of licensed professionals and one or more "public members," consumers of the services provided by the profession concerned. Some 300 persons serve on the 20 boards.

## Minority Access to the Licensed Professions

The Regents are committed to the premise that equal educational opportunity in programs that lead to licensure is a right of all New York State residents. Despite progress in achieving greater access for minorities and disadvantaged populations, there still exists a severe underrepresentation of minorities in the licensed professions. To correct this problem, the Regents and the State Education Department endorse a coordinated and comprehensive effort involving the sustained efforts of the educational system, professional boards, professional associations and societies, government, industry, parent groups, and individual professionals. Any persons or organizations interested in learning more about or participating in State and local projects may contact the Executive Secretary for the State Board of the involved profession or the Department's Minority Professional Education Coordinator.

## Professional Licensing Services

The Division of Professional Licensing Services of the State Education Department issues more than 50 different authorizations to practice in the 31 professions licensed or otherwise credentialed by the Department and Board of Regents. In cooperation with the Executive Secretary of the State Board in each licensed profession, the Division of Professional Licensing Services is responsible for enforcing licensing rules and regulations and assuring that the standards set by law are met prior to licensure.

The Division also administers the registration system for licensed professionals practicing in the State. In order to practice or use a professional title in New York, a professional must be registered as well as licensed. The registration period is specific for each profession and expires for all members of that profession on the date indicated on each practitioner's registration certificate. It is the responsibility of any professional practicing in New York to maintain current registration. It is also the professional's responsibility to notify the Department di-

rectly of any change of address or of name. Notifying the local post office does not change the records on file in the State Education Department.

### Professional Discipline

A license permitting an individual to practice in New York State is in effect for the lifetime of the holder unless use of the license is affected by a finding of professional misconduct. Professional misconduct is defined in Section 6509, Education Law, and in Part 29, Rules of the Board of Regents. It is the responsibility of each professional to be aware of the laws and regulations covering his or her profession. Copies of statute and rules are included in this handbook.

The Office of Professional Discipline of the State Education Department enforces standards of professional conduct in all professions, except that initial enforcement action in medicine is vested in the Office of Professional Medical Conduct, Department of Health. Any person who suspects or has knowledge of professional misconduct should report the information to the appropriate office. (Physicians are required by law to make such reports; failing to do so is, in itself, misconduct.) When either office discovers a possible violation of standards, it starts professional misconduct proceedings. Final disciplinary actions in all professions are taken by the Board of Regents. If the Regents decide that a licensed person has acted unprofessionally, they may suspend or revoke the authorization to practice. The Regents may also impose fines and other appropriate penalties.

Professional misconduct includes practicing fraudulently, negligently, or incompetently; practicing while being impaired by alcohol, drugs, or mental disability; being convicted of a crime; and similar serious matters.

Some examples of misconduct are: offering or receiving a fee to or from a third party, fee splitting, behaving in a way that indicates moral unfitness, filing false reports, practicing beyond the scope permitted by law, performing services unauthorized by a patient or client, physically abusing a patient, not keeping proper records, ordering excessive tests or neglecting a patient in need of immediate care.

Fee disagreements do not represent misconduct, but double billing or other fraudulent billing or charging for unnecessary services, tests or procedures does constitute misconduct.

Telephone calls or letters reporting professional misconduct will be treated confidentially.

To report misconduct of a licensed physician, specialist assistant or physician assistant; call the **Office of Professional Medical Conduct** in the New York State Department of Health at the following address:

Office of Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building
Albany, N.Y. 12237
Telephone: (518) 474-8357

To report misconduct for professions other than medicine, write the New York State Education Department, Office of Professional Discipline, 622 Third Avenue, New York, N.Y. 10017. Telephone: 212-557-2100.

Or call the **Professional Misconduct Hotline:** 1-800-442-8106. The call is toll-free from anywhere in New York State. (On holidays or during nonbusiness hours, a recorded message may be left and the call will be returned.) Or call or write the nearest regional office:

**Albany:** Office of Professional Discipline, State Education Department, Cultural Education Center, Albany, NY 12230. Telephone: 518-474-3861.

**Buffalo:** Office of Professional Discipline, 2 Pleasant Avenue West, Lancaster, NY 14086. Telephone: 716-681-2860 or 2861.

**Long Island:** Office of Professional Discipline, 525 Half Hollow Road, Dix Hills, NY 11746. Telephone: 516-549-2371 or 2321.

**Rochester:** Office of Professional Discipline, P.O. Box 50, 150 Telephone Road, West Henrietta, NY 14586. Telephone: 716-334-5184 or 5469.

**Syracuse/Utica:** Office of Professional Discipline, Tecumseh School-Room 11, Nottingham & Waring Road, Jamesville, NY 13078. Telephone: 315-445-2111 or 2112.

**White Plains:** Office of Professional Discipline, 55 Church Street, White Plains, NY 10601. Telephone: 914-761-8067.

# LICENSURE REQUIREMENTS FOR MEDICINE

## I. GENERAL REQUIREMENTS

1. Education – (See page 3 # II).
2. Postgraduate Training – (See page 4 # III).
3. Examination – (See page 4 # IV).
4. Citizenship – Candidates for licensure must be either United States citizens or aliens lawfully admitted for permanent residence in the United States (see page 23).
5. Good Moral Character – Candidates for licensure must be of good moral character.
6. Age – Candidates for licensure must be at least twenty-one (21) years old.
7. Application – Candidates for licensure must file with the Department completed application forms and all applicable fees. (see pages 8 & 9 # V & VI).

## II. EDUCATION REQUIREMENTS

### A. Preprofessional.

Candidates shall have completed two years of acceptable preprofessional education at the postsecondary level. The enclosed Form 2 provides additional details about documentation requirements.

### B. Professional.

Professional education requirements differ, depending upon whether or not the candidate's medical school is registered by New York State Education Department and/or accredited by the Liaison Committee of Medical Education (LCME) of the American Medical Association. Most programs outside the United States and Canada are not so accredited.

Program registration should not be confused with Department approval granted to certain medical schools outside the United States and Canada solely for the purpose of contracting for medical clinical experiences (clerkships) in New York State which are an integral part of those programs.

1. Graduates of Registered or Accredited Medical Programs.

   Candidates must complete a curriculum of at least 32 months in a medical school registered by the Department or accredited by an accrediting organization acceptable to the Department (the Liaison Committee of Medical Education of the American Medical Education) *and* have received the degree Doctor of Medicine or Doctor of Osteopathy or the equivalent.

2. Graduates of Nonaccredited Medical Programs.

   a. Candidates must complete a curriculum of not less than 32 months in a medical school recognized as an acceptable educational program for physicians by the appropriate civil authorities of the country in which the school is located *and* have received the degree Doctor of Medicine or Doctor of Osteopathy or the equivalent.

   b. Candidates must pass a satisfactory proficiency examination. The proficiency examinations currenty accepted by the Department are the Education Council for Foreign Medical Graduates examination (ECFMG), the Visa Qualifying Examination (VQE), and the Foreign Medical Graduate Examination in the Medical Sciences (FMGEMS). All three examinations have been prepared and administered by the Education Council for Foreign Medical Graduates. The FMGEMS examination replaced ECFMG and the VQE as of January, 1985. (A satisfactory diplomate certificate may be accepted by the Department in lieu of the required proficiency examination.)

3. "Fifth Pathway" Candidates.

   Certain candidates for licensure may qualify under the provisions of Section 6528 of the Education Law, popularly known as the "fifth pathway." The specific statutory requirements for fifth pathway candidates are located on page 26 of this handbook.

4. Clinical Clerkships.

   Clinical clerkships (clinical rotations) are supervised educational experiences which are

an integral part of the clinical component of a program of medical education and which take place in a general hospital or in an acceptable equivalent health care facility. Clinical clerkships must be performed in accordance with the laws and regulations of the political jurisdiction in which they take place (see page 32 of this handbook).

## III. POSTGRADUATE TRAINING REQUIREMENTS

(See page 32 of this handbook).

1. Graduates of Registered or Accredited Medical Programs.

   Graduates of New York State registered or LCME accredited medical programs must have completed at least one year of postgraduate hospital training in an accredited residency program approved by the American Council on Graduate Medical Education or the American Osteopathic Association.

2. Graduates of Nonaccredited Medical Programs.

   Graduates of medical programs not registered by New York State or not accredited by LCME must have completed at least three years of postgraduate hospital training in an accredited residency program approved by the American Council on Graduate Medical Education or the American Osteopathic Association. (Graduates of nonaccredited programs who *applied for licensure* prior to July 1, 1981 should refer to pages 32 of this handbook).

## IV. EXAMINATION REQUIREMENTS

### A. General Provisions.

1. Candidates must satisfy all preprofessional and professional educational requirements (and the proficiency examination if applicable) prior to admission to the licensing examination. Completion of the postgraduate training requirement, however, is not required for admission to the examination. Applications for "first-time" admission to the FLEX examination must be postmarked no later than 120 calendar days before the desired examination serves. (Supporting educational certifications which are part of these applications must be completed by the appropriate institutions and received in the Department at least 90 calendar days before the examination.) Admission applications filed by "repeating" candidates must be postmarked no later than 90 calendar days before the desired examination scores. *Applications received after the deadlines will be processed for the following examination.*

2. Admission cards are issued to eligible candidates approximately three weeks before the examination. Candidates are responsible for affixing their photograph to their admission card. Candidates will be admitted *only* to the assigned examination site and upon presentation of their admission card.

3. Candidates needing special accommodations due to a handicapping condition or religious observances must attach to their application appropriate documentation describing the circumstances involved and the special assistance requested.

4. Candidates admitted to Department-conducted examinations who subsequently fail to appear for such examinations twice will forfeit the remaining fee credits for those examinations and will be required to pay full readmission fees to subsequent examinations.

### B. Acceptable Proficiency Examination Verifications.

Graduates of nonaccredited medical programs who passed the ECFMG or VQE examinations and have received their standard certificates should submit a photocopy of that document to the Division of Professional Licensing Services. Candidates in that situation must also write the Educational Commission on Foreign Medical Graduates and request that that organization verify the proficiency certification directly to the Division of Professional Licensing Services. This verification requirement is *not* applicable to applicants who passed the FMGEMS examination.

### C. Acceptable Licensing Examinations.

MEDICAL LICENSURE BY EXAMINATION MAY BE EARNED VIA EIGHT ROUTES, BUT ALL REQUIRE PRESENTATION OF ACCEPTABLE EXAMINATION RESULTS:

1. NATIONAL BOARD EXAMINATION. Candidates seeking licensure on this basis should request the National Board of Medical Examiners, 3930 Chestnut Street, Philadelphia, Pennsylvania 19104 to send a "Certification of Record" of their examination scores directly to the Department.

2. NATIONAL BOARD EXAMINATION FOR OSTEOPATHIC PHYSICIANS AND SURGEONS. Candidates seeking licensure on this basis should request The National Board of Examiners for Osteopathic Physicians and Surgeons, Inc., 2474 Dempster Street, Suite 110, Des Plaines, Illinois 60011 to send a "Certification of Record" of their examination scores directly to the Department.

3. FEDERATION LICENSING EXAMINATION (FLEX) IN NEW YORK STATE. Candidates seeking licensure on this basis are admitted to the appropriate FLEX examination in New York upon written notification of eligibility following evaluation of their professional credentials.

   a. *Scheduled FLEX Examination Dates*

| EXAMINATION DATES | N.Y.S. FILING DEADLINES | |
|---|---|---|
| | New | Repeat |
| June 10-12, 1986 | 02/10/86 | 03/12/86 |
| December 02-04, 1986 | 08/04/86 | 09/03/86 |
| June 16-18, 1987 | 02/16/87 | 03/18/87 |
| December 01-03, 1987 | 08/04/87 | 09/03/87 |
| June 14-16, 1988 | 02/15/88 | 03/16/88 |
| December 06-08, 1988 | 08/08/88 | 09/08/88 |

   Official results of FLEX examinations conducted in New York State are mailed to candidates as soon as they are processed by the Department. Unofficial FLEX results of a specific examination series may be released by the Department prior to the compilation of the official results, but the Department will not provide examination information by telephone or letter prior to the official release dates.

   b. FLEX Examination Scoring

   The format of the traditional FLEX examinations changed in 1985. Candidates who have never taken the pre-1985 FLEX examinations or who no longer retain any credit from such examinations are *required* to take the new FLEX I and II examination.

   The pre-1985 FLEX examination consists of three parts. The passing required score is a weighted average of 75.0 (without rounding). Failing candidates who have retained credit for passing at least one part of the pre-1985 examination may elect to sit for the new FLEX I and II examination or sit for a partial retake of the pre-1985 FLEX, which will be offered for the last time in December, 1986.

   The FLEX I & II examination, first administered in June, 1985, has two components, each consisting of 1½ day sessions. A passing grade of 75.0 (without rounding) is required for each component.

   c. Retention of Credit

   Candidates may retain, or carry-forward, credit for parts passed from either FLEX examination for a period not to exceed five years from the examination date regardless of where the examination was taken. That is; candidates may *not* retain, or carry-forward, credit for any parts not passed on the FLEX examination. After five years, such candidates must sit for and pass FLEX I and II. (See page 28 of this handbook).

   d. Repeating Parts Previously Passed

   Candidates repeating examination parts previously passed will retain credit only for the latest score received, even if lower than the previous score.

   e. FLEX Status Report

   The Federation has inaugurated a new certification service for licensure applicants. Detailed information and an application form are enclosed in Forms Section of this handbook.

4. FEDERATION LICENSING EXAMINATION (FLEX) FROM OTHER STATES. Candidates who have taken FLEX outside New York State must ask the Federation office to send to the Department an official grade report for *each* examination taken. (A fee is charged by FLEX for this service). The address is:

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Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
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Federation of State Medical Boards, Inc.
2630 West Freeway, Suite 138
Fort Worth, Texas 76102

5. ENDORSEMENT OF PRE-1972 STATE OSTEOPATHIC LICENSES. Candidates may be considered for endorsement if they are licensed on the basis of scores which meet New York State standards on a *written* examination by a state in the following list (provided the license was issued after the dates indicated and the candidate did not subsequently fail a licensing examination used by New York); *and* document at least two years of satisfactory licensed professional experience (see page 33).

| State of Licensure | Effective Date for Acceptability | State of Licensure | Effective Date for Acceptability |
|---|---|---|---|
| Alabama | 1960 | Massachusetts | May 10, 1945 |
| Colorado | 1951 | Minnesota | 1963 |
| Connecticut | March 1955 | New Hampshire | January 1956 |
| Delaware | 1909 | New Jersey | 1912* |
| Illinois | June 1957 | Ohio | 1967 |
| Indiana | 1909 | Texas | 1922 |
| Iowa | 1963 | Wisconsin | 1909 |
| Kentucky | Oct. 6, 1949 | | |

*Except July 30, 1939 to Sept. 30, 1947

Osteopathic licenses issued by other states by examination after January 1, 1972 will be accepted for licensure in New York State only if the examinations taken were either the National Osteopathic Boards or the FLEX examination.

6. ENDORSEMENT OF A PRE-1972 STATE MEDICAL LICENSE.

   a. Candidates may be considered for endorsement if they are licensed on the basis of scores which meet New York State standards on a *written* examination by a state in the following list (provided the license was issued after the dates indicated and the candidate did not subsequently fail a licensing examination used by New York); *and* document at least two years of satisfactory licensed professional experience (see page 33).

7. ENDORSEMENT OF A LICENTIATE CERTIFICATE OF THE MEDICAL COUNCIL OF CANADA (LMCC). Candidates who have a LMCC certificate acceptable to the Department may be considered for endorsement if they have not attempted unsuccessfully to secure a license by examination in New York State *and* have completed at least five years of satisfactory professional experience following registration (see page 33). Candidates should request the Medical Council of Canada, Box 8234, 1867 Alta Vista Drive, Ottawa, K 163HZ, Ontario, to send a certification of their licentiate certificate directly to the Department.

## Pre – January 1, 1972 State Licensing Examinations which may be endorsed by New York State

| State of Licensure | Additional Requirements Before January 1, 1972 | Effective Date for Acceptability | Additional Requirements for Acceptability After January 1, 1972 |
|---|---|---|---|
| Alabama | None | 1932 | None |
| Alaska | Clinical Subjects | - | None |
| Arizona | Clinical Subjects | - | None |
| Arkansas | Clinical Subjects | - | Full N.Y.S. examination |
| California | None | 1920 | None |
| Colorado | None | 1939 | None |
| Connecticut | None | 1955 | None |
| Delaware | None | 1909 | Full N.Y.S. examination |
| District of Columbia | None | 1905 | Full N.Y.S. examination |
| Florida | Clinical Subjects | - | Full N.Y.S. examination |
| Georgia | Clinical Subjects | - | None |
| Hawaii | Clinical Subjects | - | None |
| Idaho | Clinical Subjects | - | None |
| Illinois | None | 1957 | None |
| Indiana | None | 1909 | None |
| Iowa | None | 1928 | None |
| Kansas | Clinical Subjects | - | Full N.Y.S. examination |
| Kentucky | None | 1949 | None |
| Louisiana | None | 1926 | None |
| Maine | None | Nov. 1961 | None |
| Maryland | None | 1928<br>Except 5/1/55-7/1/57 | None |
| Massachusetts | None | 1945 | None |
| Michigan | None | 1906 | None |
| Minnesota | None | 1929 | None |
| Mississippi | Clinical Subjects | - | Full N.Y.S. examination |
| Missouri | Clinical Subjects | - | Full N.Y.S. examination |
| Montana | Clinical Subjects | - | None |
| Nebraska | None | 1919 | None |
| Nevada | Clinical Subjects | - | None |
| New Hampshire | None | 1956 | None |
| New Jersey | None | 1912<br>Except 7/30/39-10/1/47 | None |
| New Mexico | None | 1959 | None |
| North Carolina | None | 1945 | None |
| North Dakota | None | 1933 | None |
| Ohio | None | 1967 | None |
| Oklahoma | None | 1957 | Full N.Y.S. examination |
| Oregon | None | 1919 | None |
| Pennsylvania | None | 1897 | Full N.Y.S. examination |
| Rhode Island | Clinical Subjects | - | None |
| South Carolina | Clinical Subjects | - | None |
| South Dakota | Clinical Subjects | - | Full N.Y.S. examination |
| Tennessee | None | 1945 | Full N.Y.S. examination |
| Texas | None | 1922 | Full N.Y.S. examination |
| Utah | Clinical Subjects | - | None |
| Vermont | None | 1929 | None |
| Virginia | None | 1914 | None |
| Washington | None | 1937 | None |
| West Virginia | None | 1916 | None |
| Wisconsin | None | 1909 | Full N.Y.S. examination |
| Wyoming | Clinical Subjects | - | None |
| Puerto Rico | None | 1924 | Full N.Y.S. examination |
| Virgin Islands | Clinical Subjects | - | Full N.Y.S. examination |

i. Prior to the listed effective dates, clinical subjects are required of all licensees.

ii. Out-of-state licenses obtained by examination after January 1, 1972 will be accepted for licensure in New York only if examinations taken were either the National Boards or the FLEX examination.

8. Endorsement of a Foreign Medical License.

Candidates holding a foreign medical license issued on the basis of an acceptable government examination may be considered for endorsement if they: (a) hold a medical license or registration certificate granted in a country in which licensure or registration is regulated by an organization designated as responsible for quality assurance of licensees and acceptable to the Board of Regents; (b) are eligible for admission to the medical licensing examination in New York; (c) have acceptable grades on a clinical competency examination satisfactory to the Department; (d) document at least three years of acceptable postgraduate training; and (e) document at least five years of satisfactory licensed professional experience or practice.

## V. APPLICATION REQUIREMENTS (COMPLETING THE BUFF FORMS)

**A. Form 1 – Basic Application.** All candidates must complete this form and submit it with the appropriate licensure fees (see page 9) directly to the Department. Be sure to indicate the basis of licensure sought as described on pages 4 through 6 and submit photocopies of all educational documents (transcripts, diplomas, clerkship certificates, etc.).

**B. Form 2 – Candidate Education & Training Form.** All candidates must complete this form and submit it to the Department.

**C. Form 2A – Certification of Professional Education: Graduate of Accredited Program.** Graduates of medical programs registered by New York State or accredited by the LCME must complete Section I and forward it to the appropriate medical school for completion of Section II and submission to the Department.

**D. Form 2N – Certification of Professional Education: Graduate of Nonaccredited Program.** Graduates of medical programs not registered by New York State or not accredited by the LCME must complete Section I of this form and forward it to the appropriate medical school for completion of Section II and submission to the Department. Candidates must also provide photocopies of the following educational credentials to the Department.

In certain cases, diplomas and transcripts may be submitted directly to the Department by certified mail or in person by bringing the original documents *and an acceptable photocopy of each document* to either of the locations cited below between the hours of 10:00 a.m. and 12:00 noon or 2:00 p.m. and 4:00 p.m., Monday through Friday. (Evaluations are done only at the Albany office.)

Office of Professional Discipline
622 Third Avenue
New York, New York 10017

Division of Professional Licensing Services
Room 3000
Cultural Education Center
Empire State Plaza
Albany, New York 12230

All documents not printed in English must be accompanied by an acceptable translation that includes all written and printed matter on the originals and performed by a qualified translator. An Affidavit of Accuracy must accompany the translation. The translator must affirm having read the entire translation after it has been completed, that the entire document has been translated, that nothing has been omitted or added; and that the translation is true and correct. The Department will only accept translations performed by the candidate if they have been verified by a qualified translator who provides an Affidavit of Accuracy.

The original translation will be returned to candidates only if photocopies of entire translations (including the affidavit of accuracy) are submitted.

**E. Form 2CT – Certification of Clinical Training.** Graduates of medical schools located in one country who completed their clinical training in another country must complete Section I of this form. In such cases, the certification form must be sent to each hospital in which a clinical clerkship has been completed (additional forms may be photocopied as necessary.) Section II of the Form must be completed by the Director of Medical Education and returned directly to the Department.

F. **Form 2PGT – Certification of Approved Postgraduate Training.** All candidates must complete Section I and forward the form for completion of Section II to the Director of Medical Education of each hospital in which the postgraduate training cited was performed.

G. **Form 3 – Certification of Licensure.** Candidates seeking licensure by endorsement must complete Section I and forward the form to the appropriate licensing agency for completion of Section II and direct submission to the Department. Certification must include the date of original licensure in the state in which the candidate was licensed by examination and bear the official seal and the signature of the appropriate official. If direct certification of licensure cannot be accomplished, the alternative documentation procedures described on page 8 may be considered.

H. **Form 4 – Verification of Professional Practice.** Candidates seeking licensure by endorsement must submit this affidavit. It must be verified by a recommending physician or physician licensed in the state in which the candidate is licensed. More than one affidavit may be necessary for comprehensive certification of the full two years of professional practice required for endorsement of another state license or the 5 years of professional practice required for endorsement of a foreign license.

I. **Form 5 – Medical Limited Permit Application (see Section VI).** Candidates seeking an original or renewed medical limited permit must complete section I & II of the form and then forward it to the prospective employer for completion of Section II and submission to the Department. Limited permit candidates who *have* filed for licensure need only submit the Form 5. Limited permit candidates who have *not* filed for licensure must also complete the Certification of Professional Education (Form 2), either the Form 2A or 2N, the Form 2CT and the Form 2PGT. For further information, refer to Section VII.

Medical limited permits may be renewed by the Department when eligible candidates provide satisfactory evidence that they are preparing for medical licensure in accordance with Regulations.

**Special Note:**

Section 405.7 (d) of the State Hospital Code (Title 10, New York Code, Rules and Regulations) establishes additional training requirements for hospital practice by physicians with limited permits. See Section VII (page 10) for further details.

Mail completed application materials to:

**Att: Medical Processing Unit**
**New York State Education Department**
**Division of Professional Licensing Services**
**Cultural Education Center**
**Albany, N.Y. 12230.**

## VI. FEE REQUIREMENTS AND NEW LICENSES

### A. Statutory Medicine Fee Schedule:

| | Total |
|---|---|
| Licensure by exam (including first registration, impaired physician and malpractice surcharges) | $370 |
| Licensure without examination (including first registration, impaired physician and malpractice surcharges) | 295 |
| Readmission to examination | 100 |
| Limited Permit | 60 |
| Certification of New York State examination results and licensure status to another state | 20 |

A check or money order for the appropriate fee made payable to the New York State Education Department must accompany the application. Payment submitted from outside the United States must be by check or draft on a United States bank and in United States currency. Fees in any other form will not be accepted.

### B. Fee Refunds:

Upon written request, candidates may withdraw their licensure application and request partial refunds of fees paid to the Department within two years of withdrawal or denial of the original application, whichever occurs first. Section 110 of

the Education Law provides for partial refunds not exceeding fifty percent of the statutory fees paid to the Department unless a candidate has failed the examination for licensure, in which case a refund may not be made. Candidates who obtain a partial refund of the original fee and later apply for New York State licensure must comply with all requirements (including full licensure and registration fees) in effect at that time.

**C. Confirmation of Newly Issued Licenses:**

When eligible candidates are approved for licensure by the Department, a license number and an effective date of licensure are assigned. Approved candidates will become legally licensed and entitled to practice in New York State as of that date. The first written confirmation of licensure by the department will be via the registration certificates mailed within two-three weeks following the licensure date. Licensure candidates who have reason to believe they have fully met *all* requirements for licensure are welcome to use the Division's licensure and registration verification services by telephoning (800) 342-3729 (toll free – in state). If a license number has been issued and the effective date of licensure has occurred, the licensure will be confirmed by telephone.

This limited verification service is not able to provide prelicensure status information. Licensure candidates are requested to not use this telephone number until they are certain of imminent licensure to avoid overloading this limited convenience.

**D. Duration of First Registration:**

Triennial registration periods for medicine are as follows:

January 1, 1986 – December 31, 1988
January 1, 1989 – December 31, 1991
January 1, 1992 – December 31, 1994

The fee for first registration of new licensees normally remains valid through the expiration date of the registration period in progress at the date of licensure.

Physicians newly licensed or reactivating registration during the final four months of a registration period will automatically be registered for the succeeding period as well, without an additional fee. Physicians newly licensed or reactivating registration prior to the final four months of a registration period *must* reregister for the succeeding period as well.

Hence, the initial registration period may range from a minimum of four months and one day to a maximum of forty months.

## VII. LIMITED PERMITS

Limited permits authorize physicians to practice *only* in an approved hospital or institution under the supervision of a New York State licensed physician. A limited permit is issued to qualified physicians who have submitted the completed application (Form 8) and the $60 fee. Limited permits are granted for an initial period of two years and may be renewed at the discretion of the Department for up to two additional years. In no case will a limited permit be extended beyond four years of practice. Applicants for limited permit must meet the same educational requirements as those applying for licensure. Candidates who have completed a 5th pathway program and do not hold a final medical degree must apply for and be found admissable to the licensure examination before a limited permit may be issued.

Permittees must notify the Department promptly in writing of any changes in employment or practice status so that the necessary adjustments can be made in the limited permit authorization. A permit authorizing practice in one facility may not be used in another facility without prior approval by the Department.

Section 405.7 (d) of the State Hospital Code (Title 10, New York Code, Rules and Regulations) establishes the following additional requirements for practice by foreign medical school graduates with limited permits.

Patient care services may be provided by a physician who possesses a limited permit to practice medicine issued by the New York State Education Department pursuant to section 6525 of the Education Law if such physician is under the su-

pervision of a physician licensed and currently registered to practice medicine in the State of New York and if such physician is:

(1) a graduate of a medical school accredited by the Liaison Committee on Medical Education (U.S. and Canadian schools), and has satisfactorily completed one year of graduate medical education in a residency training program accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or

(2) a graduate of a medical school not accredited by the Liaison Committee on Medical Education and has satisfactorily completed three years of graduate medical education in a residency training program accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.

Questions about Section 405.7 (d) may be directed to the Bureau of Hospital Services, Office of Health System Management, New York State Health Department, (518) 474- 5013.

## VIII. EXEMPTIONS

Physicians practicing in certain medical settings may be exempt from licensure or limited permit requirements. (See Section 6526 of the Education Law, page 24).

## IX. CONFERRAL OF THE DEGREE DOCTOR OF MEDICINE (M.D.)

The Board of Regents may confer the degree Doctor of Medicine to physicians who have completed a program in a foreign medical school which does not grant the degree Doctor of Medicine but in which the philosophy and curriculum were equivalent, as determined by the Department, to those programs leading to the degree of Doctor of Medicine at medical schools in the United States.

To be eligible, such physicians must be licensed in New York and have completed at least three years of satisfactory practice in this state.

Contact the Department for application forms (see page iv of this handbook).

## X. CERTIFICATION TO PRACTICE ACUPUNCTURE UNDER A RESEARCH PROTOCOL

The New York State Education Department will grant a certificate to practice acupuncture to qualified physicians and dentists. (See Section 60.9 (2) of the Commissioner's regulations, page 31). Contact the Department for application forms.

# TITLE VIII OF THE EDUCATION LAW
# ARTICLE 130
# GENERAL PROVISIONS
# SUBARTICLE 1. INTRODUCTORY SUMMARY

## § 6500. Introduction

This title provides for the regulation of the admission to and the practice of certain professions. This first article applies to all the professions included in this title, except that prehearing procedures and hearing procedures in connection with the regulation of professional conduct of the profession of medicine and physician's assistants and specialist's assistants shall be conducted pursuant to the provisions of Title II-A of article two of the public health law. Each of the remaining article applies to a particular profession.

## § 6501. Admission to a profession (licensing)

Admission to practice of a profession in this state is accomplished by a license being issued to a qualified applicant by the education department. To qualify for a license an applicant shall meet the requirements prescribed in the article for the particular profession.

## § 6502. Duration and registration of a license

1. A license shall be valid during the life of the holder unless revoked, annulled or suspended by the board of regents. A licensee must register with the department to practice in this state.

2. The department shall establish the beginning dates of the registration periods for each profession and mail an application for registration to every licensee currently registered at least four months prior to the beginning of the registration period for the respective profession.

3. An application for registration and the required registration fee shall be submitted together with or as a part of the application for a license. A person initially licensed or a licensee resuming practice after a lapse of registration in the last four months of a registration period shall be registered for the succeeding registration period without an additional registration fee. The department shall renew the registration of each licensee upon receipt of a proper application, on a form prescribed by the department, and the registration fee. Any licensee who fails to register by the beginning of the appropriate registration period shall be required to pay an additional fee for late filing of five dollars for each month that registration has been delayed while such licensee continued to practice his profession. The licensee resuming practice after a lapse of registration shall be permitted to practice without actual possession of the registration certificate for not more than four months after mailing to the department the required application fee.

4. Any licensee who is not engaging in the practice of his profession in this state and does not desire to register shall so advise the department. Such licensee may subsequently register and resume practice without paying an additional fee for failure to register at the beginning of the registration period.

5. Licensees shall notify the department of any change of name or mailing address within thirty days of such change.

## § 6503. Practice of a profession

Admission to the practice of a profession (1) entitles the licensee to practice the profession as defined in the article for the particular profession, (2) entitles the individual licensee to use the professional title as provided in the article for the particular profession, and (3) subjects the licensee to the procedures and penalties for professional misconduct as prescribed in this article (sections sixty-five hundred nine, sixty-five hundred ten, and sixty-five hundred eleven).

## § 6504. Regulation of the professions

Admission to the practice of the professions (licensing) and regulation of such practice shall be supervised by the board of regents (section sixty-five hundred six) and administered by the education department (section sixty-five hundred seven), assisted by a state board for each profession (section sixty-five hundred eight).

## § 6505. Construction

No definition of the practice of a profession shall be construed to restrain or restrict the performance of similar acts authorized in the definition of other professions.

**§ 6505 – a. Professional referrals**

There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any association or society of professionals authorized to practice under this title, or any employee, agent, or member thereof, for referring any person to a member of the profession represented by such association or society provided that such referral was made without charge as a service to the public, and without malice, and in the reasonable belief that such referral was warranted, based upon the facts disclosed.

## SUBARTICLE 2. STATE MANAGEMENT

**§ 6506. Supervision by the board of regents**

The board of regents shall supervise the admission to and the practice of the professions. In supervising, the board of regents may:

1. Promulgate rules;

2. Establish by rule, high school, preprofessional, professional and other educational qualifications required for licensing in the professions regulated by this title;

3. Charter schools offering educational programs for the professions regulated by this title, and no such school shall operate in this state without such a charter, except Columbia University, any school chartered by special act of the legislature prior to September one, nineteen hundred seventy-one, and schools specifically authorized to conduct such programs by the regents;

4. Appoint such committees as it deems necessary and compensate members of such committees who are not members of the board of regents or the department up to one hundred dollars per day for each day devoted to committee functions, together with their necessary expenses;

5. Waive education, experience and examination requirements for a professional license prescribed in the article relating to the profession, provided the board of regents shall be satisfied that the requirements of such article have been substantially met;

6. Indorse a license issued by a licensing board of another state or country upon the applicant fulfilling the following requirements:

a. Application: file an application with the department;

b. Education: meet educational requirements in accordance with the commissioner's regulations;

c. Experience: have experience satisfactory to the board and in accordance with the commissioner's regulations;

d. Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;

e. Age: be at least twenty-one years of age;

f. Citizenship or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States.

g. Character: be of good moral character as determined by the department; and

7. Direct the department to remedy any error, omission, delay or other circumstance in the issuance or registration of a license;

8. Designate a professional conduct officer, who shall be the chief administrative officer of the office of the professions, or his designee, in connection with professional licensing and misconduct proceedings and criminal matters, such officer to be empowered to issue subpoenas and administer oaths in connection with such proceedings;

9. Establish by rule, standards of conduct with respect to advertising, fee splitting, practicing under a name other than that of the individual licensee (when not specifically authorized), proper use of academic or professional degrees or titles tending to imply professional status, and such other ethical practices as such board shall deem necessary; and

10. Delegate to department officers the disposition of any licensing matters pursuant to rules.

**§ 6507. Administration by the education department**

1. The commissioner and the department shall administer the admission to and the practice of the professions.

2. In administering, the commissioner may:

a. Promulgate regulations;

b. Conduct investigations;

c. Issue subpoenas;

d. Grant immunity for prosecution in accordance with section 50.20 of the criminal procedure law to anyone subpoenaed in any investigation or hearing conducted pursuant to this title; and

e. Excuse, for cause acceptable to the commissioner, the failure to register biennially. Such excuse shall validate and authorize such practitioner's right to practice pending registration.

3. The department assisted by the board for each profession, shall:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession;

b. Review qualifications in connection with licensing requirements; and

c. Provide for licensing examinations and reexaminations.

4. The department shall:

a. Register or approve educational programs designed for the purpose of providing professional preparation which meet standards established by the department.

b. Issue licenses, registrations, and limited permits to qualified applicants;

c. (i) Issue a certificate of authority to a qualified professional service corporation being organized under section fifteen hundred three of the business corporation law on payment of a fee of twenty-five dollars, (ii) file a certified copy of each certificate of incorporation and amendment thereto within thirty days after the filing of such certificate or amendment on payment of a fee of ten dollars, (iii) file the annual statement required by section fifteen hundred fourteen of the business corporation law on payment of a fee of ten dollars.

d. Revoke limited permits on the recommendation of the committee on professional conduct for the profession concerned;

e. Maintain public records of licenses issued and retain in its files identifying data concerning each person to whom a license has been issued;

f. Collect the fees prescribed by this title or otherwise provided by law;

g. Prepare an annual report for the legislature, the governor and other executive offices, the state boards for the professions, professional societies, consumer agencies and other interested persons. Such report shall include but not be limited to a description and analysis of the administrative procedures and operations of the department based upon a statistical summary relating to (i) new licensure, (ii) discipline, (iii) complaint, investigation, and hearing backlog, (iv) budget, and (v) the state boards for the professions. Information provided shall be enumerated by profession; and

h. Establish an administrative unit which shall be responsible for the investigation, prosecution and determination of alleged violations of professional conduct.

5. The commissioner and the department shall perform any other functions necessary to implement this title.

### § 6508. Assistance by state boards for the professions

1. A board for each profession shall be appointed by the board of regents on the recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing, practice, and conduct. The composition of each board shall be as prescribed in the article relating to each profession. Within each board a committee on licensing may be appointed by the board chairman.

Except as provided in paragraph (a) of this subdivision, the membership of each professional licensing board shall be increased by one member, and each such board shall have at least one public representative who shall be selected by the board of regents from the general public.

a. The membership of the professional licensing boards created under sections sixty-five hundred twenty-three, sixty-eight hundred four, sixty-nine hundred three, and seventy-four hundred three of this chapter shall be increased by two members, and each such board shall have at least two public representatives, who shall be selected by the board of regents from the general public.

b. For the purposes of this title, a "public representative" shall be a person who is a consumer of services provided by those licensed

or otherwise supervised or regulated by the boards created hereunder, and shall not be, nor within five years immediately preceding appointment have been:

(i) a licensee or person otherwise subject to the supervision or regulation of the board to which appointed; or

(ii) a person maintaining a contractual relationship with a licensee of such board, which would constitute more than two percentum of the practice or business of any such licensee, or an officer, director, or representative of such person or group of persons.

2. Each board, or its committee on licensing, shall select or prepare examinations, may conduct oral and practical examinations and reexaminations, shall fix passing grades, and assist the department in other licensing matters as prescribed by the board of regents.

3. Each board shall conduct disciplinary proceedings as prescribed in this article and shall assist in other professional conduct matters as prescribed by the board of regents.

4. Members of each board shall be appointed by the board of regents for five-year terms except that the terms of those first appointed shall be arranged so that as nearly as possible an equal number shall terminate annually. A vacancy occurring during a term shall be filled by an appointment by the board of regents for the unexpired term. Each state professional association or society may nominate one or more candidates for each appointment to be made to the board for its profession, but the board of regents shall not be required to appoint candidates so nominated. Former members of a board may be re-appointed by the board of regents, on the recommendation of the commissioner, to serve as members of the board solely for the purposes of disciplinary proceedings, proceedings relating to the moral character of an applicant for licensure, and proceedings relating to applications for the restoration of a professional license. Former board members so appointed may not comprise a majority of any panel.

5. Each member of a board shall receive a certificate of appointment, shall before beginning his term of office file a constitutional oath of office with the secretary of state, shall receive up to one hundred dollars as prescribed by the board of regents for each day devoted to board work, and shall be reimbursed for his necessary expenses. No member shall serve beyond the age of seventy. Any member may be removed from a board by the board of regents for misconduct, incapacity or neglect of duty.

6. Each board shall elect from its members a chairman and vice-chairman annually, shall meet upon call of the chairmen or the department, and may adopt bylaws consistent with this title and approved by the board of regents. A quorum for the transaction of business by the board shall be a majority of members but not less than five members.

7. An executive secretary to each board shall be appointed by the board of regents on recommendation of the commissioner. Such executive secretary shall not be a member of the board, shall hold office at the pleasure of, and shall have the powers, duties and annual salary prescribed by the board of regents.

## SUBARTICLE 3.
## PROFESSIONAL MISCONDUCT

### § 6509. Definitions of professional misconduct

Each of the following is professional misconduct, and any licensee found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten shall be subject to the penalties prescribed in section sixty-five hundred eleven:

1. Obtaining the license fraudulently,

2. Practicing the profession fraudulently, beyond its authorized scope, with gross incompetence, with gross negligence on a particular occasion or negligence or incompetence on more than one occasion,

3. Practicing the profession while the ability to practice is impaired by alcohol, drugs, physical disability, or mental disability,

4. Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects,

5. a. Being convicted of committing an act constituting a crime under:

(i) New York State law or,

(ii) Federal law or,

(iii) The law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York State law;

b. Having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state;

c. Having been found by the commissioner of health to be in violation of article thirty-three of the public health law.

d. Having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state.

6. Refusing to provide professional service to a person because of such person's race, creed, color, or national origin,

7. Permitting, aiding or abetting an unlicensed person to perform activities requiring a license,

8. Practicing the profession while the license is suspended, or wilfully failing to register or notify the department of any change of name or mailing address, or if a professional service corporation wilfully failing to comply with sections fifteen hundred three and fifteen hundred fourteen of the business corporation law,

9. Committing unprofessional conduct, as defined by the board of regents in its rules or by the commissioner in regulations approved by the board of regents,

10. A willful violation by a licensed physician of subdivision eleven of section two hundred thirty of the public health law, or

11. A violation of section twenty-eight hundred three-d or twenty-eight hundred five-k of the public health law.

12. Failure to comply with an order issued pursuant to subdivision seven of section two hundred thirty of the public health law.

**§ 6509 – a. Additional definition of professional misconduct; limited application**

Notwithstanding any inconsistent provision of this article or of any other provision of law to the contrary, the license or registration of a person subject to the provisions of articles one hundred thirty-one, one hundred thirty-one-a, one hundred thirty-two, one hundred thirty-three, one hundred thirty-seven, one hundred thirty-nine, one hundred forty-one, one hundred forty-three, one hundred forty-four, one hundred fifty-six and one hundred fifty-nine of this chapter may be revoked, suspended or annulled or such person may be subject to any other penalty provided in section sixty-five hundred eleven of this article in accordance with the provisions and procedure of this article for the following:

That any person subject to the above enumerated articles, has directly or indirectly requested, received or participated in the division, transference, assignment, rebate, splitting or refunding of a fee for, or has directly requested, received or profited by means of a credit or other valuable consideration as a commission, discount or gratuity in connection with the furnishing of professional care, or service, including x-ray examination and treatment, or for or in connection with the sale, rental, supplying or furnishing of clinical laboratory services or supplies, inhalation therapy service or equipment, ambulance service, hospital or medical supplies, physiotherapy or other therapeutic service or equipment, artifical limbs, teeth or eyes, orthopedic or surgical appliances or supplies, optical appliances, supplies or equipment, devices for aid of hearing, drugs, medication or medical supplies or any other goods, services or supplies prescribed for medical diagnosis, care or treatment, under this chapter, except payment, not to exceed thirty-three and one-third per centum of any fee received for x-ray examination, diagnosis or treatment, to any hospital furnishing facilities for such examination, diagnosis or treatment. Nothing contained in this section shall prohibit such persons from practicing as partners, in groups or as a professional corporation nor from pooling fees and moneys received, either by the partnerships, professional corporations or groups by the individual members, thereof, for professional services furnished by any individual professional member, or employee of such partnership, corporation or group, nor shall the professionals constituting the partnerships,

corporation or groups be probitited from sharing, dividing or apportioning the fees and moneys received by them or by the partnership, corporation or group in accordance with a partnership or other agreement; provided that no such practice as partners, corporations or in groups or pooling of fees or moneys received or shared, division or apportionment of fees shall be permitted with respect to care and treatment under the workmen's compensation law except as expressly authorized by the workmen's compensation law. Nothing contained in this chapter shall prohibit a medical or dental expense indemnity corporation pursuant to its contract with the subscriber from prorationing a medical or dental expense indemnity allowance among two or more professionals in proportion to the services rendered by each such professional at the request of the subscriber, provided that prior to payment thereof such professionals shall submit both to the medical or dental expense indemnity corporation and to the subscriber statements itemizing the services rendered by each such professional and the charges therefor.

### § 6510. Proceedings in cases of professional misconduct

In cases of professional misconduct the proceedings shall be as follows:

1. Preliminary procedures.

   a. Complaint. A complaint of a licensee's professional misconduct may be made by any person to the education department.

   b. Investigation. The department shall investigate each complaint which alleges conduct constituting professional misconduct. The results of the investigation shall be referred to the professional conduct officer designated by the board of regents pursuant to section sixty-five hundred six of this article. If such officer decides that there is not substantial evidence of professional misconduct or that further proceedings are not warranted, no further action shall be taken. If such officer, after consultation with a professional member of the applicable state board for the profession, determines that there is substantial evidence of professional misconduct, and that further proceedings are warranted, such proceedings shall be conducted pursuant to this section. If the complaint involves a question of professional expertise, then such officer may seek, and if so shall obtain, the concurrence of at least two members of a panel of three members of the applicable board.

   c. Charges. In all disciplinary proceedings other than those terminated by an administrative warning pursuant to paragraph a of subdivision two of this section, the department shall prepare the charges. The charges shall state the alleged professional misconduct and shall state concisely the material facts but not the evidience (sic) by which the charges are to be proved.

   d. Service of charges and of notice of hearing. A copy of the charges and notice of any hearing pursuant to subdivision two or three of this section shall be served on the licensee personally by the department at least fifteen days before the hearing. If personal service cannot be made after due diligence and such fact is certified under oath, a copy of the charges and the notice of hearing shall be served by certified mail, return receipt requested to the licensee's last known address by the department at least twenty days before the hearing.

2. Expedited procedures.

   a. Violations. Violations involving professional misconduct of a minor or technical nature may be resolved by expedited procedures as provided in paragraph b or c of this subdivision. For purposes of this subdivision, violations of a minor or technical nature shall include, but shall not be limited to, isolated instances of violations concerning professional advertising or record keeping, and other isolated violations which do not directly affect or impair the public health, welfare or safety. The board of regents shall make recommendations to the legislature on or before June first, nineteen hundred eighty-one, for the further definition of violations of a minor or technical nature. The initial instance of any violation of a minor or technical nature may be resolved by the issuance of an administrative warning pursuant to paragraph b of this subdivision. Subsequent instances of similar violations of a minor or technical nature within a period of three years may be resolved by the procedure set forth in paragraph c of this subdivision.

   b. Administrative warning. If a professional conduct officer, after consultation with a pro-

fessional member of the state board, determines that there is substantial evidence of professional misconduct but that it is an initial violation of a minor or technical nature which would not justify the imposition of a more severe disciplinary penalty, the matter may be terminated by the issuance of an administrative warning. Such warnings shall be confidential and shall not constitute an adjudication of guilt or be used as evidence that the licensee is guilty of the alleged misconduct. However, in the event of a further allegation of similar misconduct by the same licensee, the matter may be reopened and further proceedings instituted as provided in this section.

c. Determination of penalty on uncontested minor violations. If a professional conduct officer, after consultation with a professional member of the state board, determines that there is substantial evidence of a violation of a minor or technical nature, and of a nature justifying a penalty as specified in this paragraph, the department may prepare and serve charges either by personal service or by certified mail, return receipt requested. Such charges shall include a statement that unless an answer is received within twenty days denying the charges, the matter shall be referred to a violations committee consisting of five members of the state board for the profession, at least one of whom shall be a public representative for determination. The violations panel shall be appointed by the executive secretary of the state board. The licensee shall be given at least fifteen days notice of the time and place of the meeting of the violations committee and shall have the right to appear in person and by an attorney and to make a statement to the committee in mitigation or explanation of the misconduct. The department may appear and make a statement in support of its position. The violations committee may issue a censure and reprimand, and in addition, or in the alternative, may impose a fine not to exceed five hundred dollars for each specification of minor, or technical misconduct. If the fine is not paid within three months the matter may be reopened and shall be subject to the hearing and regents decision procedures of this section. The determination of the panel shall be final and shall not be subject to the regents decision procedures of this section. If an answer is filed denying the charges, the matter shall be processed as provided in subdivision three of this section.

d. Convictions of crimes or administrative violations. In cases of professional misconduct based solely upon a violation of subdivision five of section sixty-five hundred nine of this article, the professional conduct officer may prepare and serve the charges and may refer the matter directly to a regents review committee for its review and report of its findings, determination as to guilt, and recommendation as to the measure of discipline to be imposed. In such cases the notice of hearing shall state that the licensee may file a written answer, brief, and affidavits that the licensee may appear personally before the regents review committee, may be represented by counsel, and may present evidence or sworn testimony on behalf of the licensee, and the notice may contain such other information as may be considered appropriate by the department. The department may also present evidence or sworn testimony at the hearing. A stenographic record of the hearing shall be made. Such evidence or sworn testimony offered at the meeting of the regents review committee shall be limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. The presiding officer at the meeting of the regents review committee may, in his or her discretion, reasonably limit the numbers of witnesses whose testimony will be received and the length of time any witness will be permitted to testify. In lieu of referring the matter to the board of regents, the regents review committee may refer any such matter for further proceedings pursuant to paragraph b or c of this subdivision or subdivision three of this section.

3. Adversary proceedings. Contested disciplinary proceedings and other disciplinary proceedings not resolved pursuant to subdivision two of this section shall be tried before a hearing panel of the appropriate state board as provided in this subdivision.

a. Notice of hearing. The department shall set the time and place of the hearing and shall prepare the notice of hearing. The notice of hearing shall state (1) the time and place of

the hearing, (2) that the licensee may file a written answer to the charges prior to the hearing, (3) that the licensee may appear personally at the hearing and may be represented by counsel, (4) that the licensee shall have the right to produce witnesses and evidence in his behalf, to cross-examine witnesses and examine evidence produced against him, and to issue subpoenas in accordance with the provisions of the civil practice law and rules, (5) that a stenographic record of the hearing will be made, and (6) such other information as may be considered appropriate by the department.

b. Hearing panel. The hearing shall be conducted by a panel of five or more members of the applicable state board for the profession, at least one of whom shall be a public representative. The executive secretary for the applicable state board shall appoint the panel and shall designate its chairperson. In addition to said panel members, the department shall designate an administrative officer, admitted to practice as an attorney in the state of New York, who shall have the authority to rule on all motions, procedures and other legal objections and shall draft a report for the hearing panel which shall be subject to the approval of and signature by the panel chairperson on behalf of the panel. The administrative officer shall not be entitled to a vote.

c. Conduct of hearing. The evidence in support of the charges shall be presented by an attorney for the department. The licensee shall have the rights required to be stated in the notice of hearing. The panel shall not be bound by the rules of evidence, but its determination of guilt shall be based on a preponderance of the evidence. A hearing which has been initiated shall not be discontinued because of the death or incapacity to serve of one member of the hearing panel.

d. Results of hearing. The hearing panel shall render a written report which shall include (1) findings of fact, (2) a determination of guilty or not guilty on each charge, and (3) in the event of a determination of guilty, a recommendation of the penalty to be imposed. For the panel to make a determination of guilty, a minimum of four of the voting members of the panel must vote for such a determination. A copy of the report of the hearing panel shall be transmitted to the licensee.

4. Regents decision procedures.

a. Regents review committee. The transcript and report of the hearing panel shall be reviewed at a meeting by a regents review committee appointed by the board of regents. The regents review committee shall consist of three members, at least one of whom shall be a regent.

b. Regents review committee meetings. The review shall be based on the transcript and the report of the hearing panel. the licensee may appear at the meeting, and the regents review committee may require the licensee to appear. The licensee may be represented by counsel. The department shall notify the licensee at least seven days before the meeting (1) of the time and place of the meeting, (2) of his right to appear, (3) of his right to be represented by counsel, (4) whether or not he is required to appear, and (5) of such other information as may be considered appropriate. After the meeting, the regents review committee shall transmit a written report of its review to the board of regents. In cases referred directly to the regents review committee pursuant to paragraph d of subdivision two of this section, the review shall be based upon the charges, the documentary evidence submitted by the department, and any answer, affidavits or brief the licensee may wish to submit, and any evidence or sworn testimony presented by the licensee or the department at the hearing, pursuant to the procedures described by paragraph d of subdivision two of this section.

c. Regents decision and order. The board of regents (1) shall consider the transcript, the report of the hearing panel, and the report of the regents review committee, (2) shall decide whether the licensee is guilty or not guilty on each charge, (3) shall decide what penalties, if any, to impose as prescribed in section sixty-five hundred eleven of this article, and (4) shall issue an order to carry out its decisions. Such decisions shall require the affirmative vote of a majority of the members of the board of regents. If the board of regents disagrees with the hearing panel's determination of not guilty, it shall remand the matter to the origi-

nal panel for reconsideration or to a new panel for a new hearing. The panel's determination of not guilty on reconsideration or a new hearing shall be final. The order shall be served upon the licensee personally or by certified mail to the licensee's last known address and such service shall be effective as of the date of the personal service or five days after mailing by certified mail. The licensee shall deliver to the department the license and registration certificate which has been revoked, annulled, suspended, or surrendered within five days after the effective date of the service of the order. If the license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, the licensee shall submit an affidavit to that effect, and shall deliver such license or certificate to the department when located.

5. Court review procedures. The decisions of the board of regents may be reviewed pursuant to the proceedings under article seventy-eight of the civil practice law and rules. Such proceedings shall be returnable before the appellate division of the third judicial department, and such decisions shall not be stayed or enjoined except upon application to such appellate division after notice to the department and to the attorney general and upon a showing that the petitioner has a substantial likelihood of success.

6. The provisions of subdivisions one through four of this section shall not be applicable to proceedings in cases of professional misconduct involving the medical profession, except as provided in paragraph m of subdivision ten of section two hundred thirty of the public health law.

7. Notwithstanding any other provisions of the law, persons who assist the department as consultants or expert witnesses in the investigation or prosecution of alleged professional misconduct, licensure matters, restoration proceedings, or criminal prosecutions for unauthorized practice, shall not be liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of actual malice. The attorney general shall defend such persons in any such action or proceeding, in accordance with section seventeen of the public officers law.

8. The files of the department relating to the investigation of possible instances of professional misconduct, or the unlawful practice of any profession licensed by the board of regents, or the unlawful use of a professional title or the moral fitness of an applicant for a professional license or permit, shall be confidential and not subject to disclosure at the request of any person, except upon the order of a court in a pending action or proceeding. The provisions of this subdivision shall not apply to documents introduced in evidence at a hearing held pursuant to this chapter and shall not prevent the department from sharing information concerning investigations with other duly authorized public agencies responsible for professional regulation or criminal prosecution.

**§ 6510 – a. Proceedings in cases of professional misconduct involving the medical profession**

1. Prehearing procedures, hearing procedures and summary action procedures. Prehearing procedures, hearing procedures and summary action procedures in cases of professional misconduct involving the medical profession shall be conducted pursuant to the provisions of Title II-A of article two of the public health law.

2. Regents decision and order. Within sixty days of the transfer of a case of professional misconduct involving the medical profession by the commissioner of health pursuant to section two hundred thirty of the public health law, the board of regents (a) shall consider the transcript, exhibits and other evidence, if any, the findings, conclusions and recommendation of the committee on professional misconduct and the recommendation of the commissioner of health, (b) shall decide whether the licensee is guilty or not guilty on each charge, (c) shall decide what penalties, if any, to impose as prescribed in section sixty-five hundred eleven of this article, and (d) shall issue an order to carry out its decisions. Such decisions shall require the affirmative vote of a majority of the members of the board.

3. Time limitations.

a. No failure to comply with a provision of this section requiring that a specified action shall be taken within a specified period of time shall affect the validity of the action taken.

b. The time limitations specified in this section for the completion of specified actions may be extended, upon application of a licensee or his attorney, for good cause shown, upon application made prior to the expiration of such time limitations.

4. Court review procedures. The decisions of the board of regents may be reviewed pursuant to the proceedings under article seventy-eight of the civil practice law and rules. Such proceedings shall be returnable before the appellate division of the third judicial department, and such decisions shall not be stayed or enjoined except upon application to such appellate division after notice to the attorney general.

### § 6511. Penalties for professional misconduct

The penalties which may be imposed by the board of regents on a present or former licensee found guilty of professional misconduct (under the definitions and proceedings prescribed in sections sixty-five hundred nine, sixty-five hundred ten and sixty-five hundred ten-a of this article) are: (1) censure and reprimand, (2) suspension of license, (a) wholly, for a fixed period of time; (b) partially, until the licensee successfully completes a course of retraining in the area to which the suspension applies; (c) wholly, until the licensee successfully completes a course of therapy or treatment prescribed by the regents; (3) revocation of license, (4) annulment of license or registration, (5) limitation on registration or issuance of any further license, (6) a fine not to exceed ten thousand dollars, upon each specification of charges of which the respondent is determined to be guilty, (7) a requirement that a licensee pursue a course of education or training, and (8) a requirement that a licensee perform up to one hundred hours of public service, in a manner and at a time and place as directed by the board. The board of regents may stay such penalties in whole or in part, may place the licensee on probation and may restore a license which has been revoked. Any fine imposed pursuant to this section or pursuant to subdivision two of section sixty-five hundred ten of this article may be sued for and recovered in the name of the people of the state of New York in an action brought by the attorney general. In such action the findings and determination of the board of regents or of the violations committee shall be admissible evidence and shall be conclusive proof of the violation and the penalty assessed.

## SUBARTICLE 4. UNAUTHORIZED ACTS

### § 6512. Unauthorized practice a crime

1. Anyone not authorized to practice under this title who practices or offers to practice or holds himself out as being able to practice in any profession in which a license is a prerequisite to the practice of the acts, or who practices any profession as an exempt person during the time when his professional license is suspended, revoked or annulled, or who aids or abets an unlicensed person to practice a profession, or who fraudulently sells, files, furnishes, obtains, or who attempts fraudulently to sell, file, furnish or obtain any diploma, license, record or permit purporting to authorize the practice of a profession, shall be guilty of a class E felony.

2. Anyone who knowingly aids or abets three or more unlicensed persons to practice a profession or employs or holds such unlicensed persons out as being able to practice in any profession in which a license is a prerequisite to the practice of the acts, or who knowingly aids or abets three or more persons to practice any profession as exempt persons during the time when the professional licenses of such persons are suspended, revoked or annulled, shall be guilty of a class E felony.

### § 6513. Unauthorized use of a professional title a crime

1. Anyone not authorized to use a professional title regulated by this title, and who uses such professional title, shall be guilty of a class A misdemeanor.

2. Anyone who knowingly aids or abets three or more persons not authorized to use a professional title regulated by this title, to use such professional title, or knowingly employs three or more persons not authorized to use a professional title regulated by this title, who use such professional title in the course of such employment, shall be guilty of a class E felony.

### § 6514. Criminal proceedings

1. All alleged violations of sections sixty-five hundred twelve or sixty-five hundred thirteen of this article shall be reported to the department which shall cause an investigation to be instituted. If the investigation substantiates that violations exist, such violations shall be reported to the attorney general with a request for prosecution.

2. The attorney general shall prosecute such alleged offenses in the name of the state, provided, however, in the event of alleged violations of article one hundred fifty-five of this title occurring in cities with a population of one million or more, a district attorney may prosecute such alleged offenses in the name of

the state provided, however, that any district attorney may prosecute such offenses where they are incidental to a criminal prosecution instituted by him under other statutes.

3. All criminal courts having jurisdiction over misdemeanors are hereby empowered to hear, try and determine alleged violations under this title, which constitute misdemeanors, without indictment and to impose applicable punishment of fines or imprisonments or both. It shall be necessary to prove in any prosecution under this title only a single prohibited act or a single holding out without proving a general course of conduct.

4. A proceeding before a committee on professional conduct shall not be deemed to be a criminal proceeding within the meaning of this section.

**§ 6515. Restraint of unlawful acts**

Where a violation of this title is alleged to have occurred, the attorney general or, in the event of alleged violations of article one hundred fifty-five of this title occurring in cities having a population of one million or more, the corporation counsel may apply to the supreme court within the judicial district in which such violation is alleged to have occurred for an order enjoining or restraining commission or continuance of the unlawful acts complained of. The court shall have jurisdiction of the proceedings and shall have power to grant such temporary relief or restraining order as it deems just and proper. In any such proceeding it shall be necessary to allege or prove that an adequate remedy at law does not exist or that irreparable damage would result if such order were not granted. The remedy provided in this section shall be in addition to any other remedy provided by law or to the proceedings commended against a licensee under this title.

# THE EDUCATION LAW
# ARTICLE 131
# MEDICINE


Section 6520. Introduction.
6521. Definition of practice of medicine.
6522. Practice of medicine and use of title "physician".
6523. State board for medicine.
6524. Requirements for a professional license.
6525. Limited permits.
6526. Exempt persons.
6527. Special provisions.
6528. Qualification of certain applicants for licensure.
6529. Power of board of regents regarding certain physicians.


**§ 6520. Introduction.** This article applies to the profession of medicine. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

**§ 6521. Definition of practice of medicine.** The practice of the profession of medicine is defined as diagnosing, treating, operating or prescribing for any human disease, pain, injury, deformity or physical condition.

**§ 6522. Practice of medicine and use of title "physician".** Only a person licensed or otherwise authorized under this article shall practice medicine or use the title "physician".

**§ 6523. State board for medicine.** A state board for medicine shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than twenty physicians licensed in this state for at least five years, two of whom shall be doctors of osteopathy. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner and shall be a physician licensed in this state.

**§ 6524. Requirements for a professional license.** To qualify for a license as a physician, an applicant shall fulfill the following requirements:

(1) Application: file an application with the department;

(2) Education: have received an education, including a degree of doctor of medicine, "M.D.", or doctor of osteopathy, "D.O.", or equivalent degree in accordance with the commissioner's regulations;

(3) Experience: have experience satisfactory to the board and in accordance with the commissioner's regulations;

(4) Examination: pass an examination satisfactory to the board and in accordance with the commisssioner's regulations;

(5) Age: be at least twenty-one years of age;

(6) Citizenship or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States;

(7) Character: be of good moral character as determined by the department; and

(8) Fees: pay a fee of one hundred fifty dollars to the department for admission to a department conducted examination and for an initial license, a fee of one hundred dollars for each reexamination, a fee of seventy-five dollars for an initial license for persons not requiring admission to a department conducted examination, a fee of eighty dollars for the biennial registration period ending December thirty-first, nineteen hundred eighty-two, and a fee of one hundred twenty dollars for each triennial registration period commencing on an after January first, nineteen hundred eighty-three.

(9) For every license or registration issued after the effective date of this subdivision, an additional fee of ten dollars shall be paid and deposited in the general fund for the purpose of offsetting any expenditures made pursuant to subdivision fifteen of section two hundred thirty of the public health law. The amount of such funds expended for such purpose shall not be greater than such additional fees collected over the licensure period or for the duration of such program if less than the licensure period.

(10) For every license or registration issued after the effective date of this subdivision, an additional fee of ninety dollars shall be paid and deposited in the general

fund for the purpose of increasing expenditures made pursuant to section two hundred thirty of the public health law in relation to the operation of the office of professional medical conduct within the department of health. The amount of the funds expended as a result of such increase shall not be greater than such additional fees collected over the licensure period.

**§ 6525. Limited permits.** Permits limited as to eligibility, practice and duration, shall be issued by the department to eligible applicants, as follows:

1. Eligibility: The following persons shall be eligible for a limited permit:

(1) A person who fulfills all requirements for a license as a physician except those relating to the examination and citizenship or permanent residence in the United States;

(2) A foreign physician who holds a standard certificate from the educational council for foreign medical graduates or who has passed an examination satisfactory to the state board for medicine and in accordance with the commissioner's regulations; or

(3) A foreign physician or a foreign intern who is in this country on a non-immigration visa for the continuation of medical study, pursuant to the exchange student program of the United States department of state.

2. Limit of practice. A permittee shall be authorized to practice medicine only under the supervision of a licensed physician and only in a public, voluntary, or proprietary hospital.

3. Duration. A limited permit shall be valid for two years. It may be renewed biennially at the discretion of the department.

4. Fees. The fee for each limited permit and for each renewal shall be sixty dollars.

**§ 6526. Exempt persons.** The following persons under the following limitations may practice medicine within the state without a license:

1. Any physician who is employed as a resident in a public hospital, provided such practice is limited to such hospital and is under the supervision of a licensed physician;

2. Any physician who is licensed in a bordering state and who resides near a border of this state, provided such practice is limited in this state to the vicinity of such border and provided such physician does not maintain an office or place to meet patients or receive calls within this state;

3. Any physician who is licensed in another state or country and who is meeting a physician licensed in this state, for purposes of consultation, provided such practice is limited to such consultation;

4. Any physician who is licensed in another state or country, who is visiting a medical school or teaching hospital in this state to receive medical instruction for a period not to exceed six months or to conduct medical instruction, provided such practice is limited to such instruction and is under the supervision of a licensed physician;

5. Any physician who is authorized by a foreign government to practice in relation to its diplomatic, consular or maritime staffs, provided such practice is limited to such staffs;

6. Any commissioned medical officer who is serving in the United States armed forces or public health service or any physician who is employed in the United States Veterans Administration, provided such practice is limited to such service or employment;

7. Any intern who is employed by a hospital and who is a graduate of a medical school in the United States or Canada, provided such practice is limited to such hospital and is under the supervision of a licensed physician; or

8. Any medical student who is performing a clinical clerkship or similar function in a hospital and who is matriculated in a medical school which meets standards satisfactory to the department, provided such practice is limited to such clerkship or similar function in such hospital.

9. Any dentist or dental school graduate eligible for licensure in the state who administers anesthesia as part of a hospital residency program established for the purpose of training dentists in anesthesiology.

**§ 6527. Special provisions.** 1. A not-for-profit medical or dental expense indemnity corporation or a hospital service corporation

organized under the insurance law may employ licensed physicians and enter into contracts with partnerships or medical corporations organized under article forty-four of the public health law, health maintenance organizations possessing a certificate of authority pursuant to article forty-four of the public health law, professional corporations organized under article fifteen of the business corporation law or other groups of physicians to practice medicine on its behalf for persons insured under its contracts or policies.

2. Notwithstanding any inconsistent provision of any general, special or local law, any licensed physician who voluntarily and without the expectation of monetary compensation renders first aid or emergency treatment at the scene of an accident or other emergency, outside a hospital, doctors's office or any other place having proper and necessary medical equipment, to a person who is unconscious, ill or injured, shall not be liable for damages for injuries alleged to have been sustained by such person or for damages for the death of such person alleged to have occurred by reason of an act or omission in the rendering of such first aid or emergency treatment unless it is established that such injuries were or such death was caused by gross negligence on the part of such physician. Nothing in this subdivision shall be deemed or construed to relieve a licensed physician from liability for damages for injuries or death caused by an act or omission on the part of a physician while rendering professional services in the normal and ordinary course of his practice.

3. No individual who serves as a member of (a) a committee established to administer a utilization review plan of a hospital, including a hospital as defined in article twenty-eight of the public health law or (b) a committee having the responsibility of evaluation and improvement of the quality of care rendered in a hospital as defined in article twenty-eight of the public health law, or (c) any medical review committee or subcommittee thereof of a local, county or state medical, dental, podiatry or optometrical society, any such society itself, a professional standards review organization or an individual when such committee, subcommittee, society, organization or individual is performing any medical review function either described in clauses (a) and (b) of this subdivision, required by law, or involving any controversy or dispute between (i) a physician, dentist, podiatrist or optometrist or hospital administrator and a patient concerning the diagnosis, treatment or care of such patient or the fees or charges therefor or (ii) a physician, dentist, podiatrist or optometrist or hospital administrator and a provider of medical, dental, podiatric or optometrical services concerning any medical or health charges or fees of such physician, dentist, podiatrist or optometrist, shall be liable in damages to any person for any action taken or recommendations made, by him within the scope of his function in such capacity provided that (a) such individual has taken action or made recommendations within the scope of his function and without malice, and (b) in the reasonable belief after reasonable investigation that the act or recommendation was warranted, based upon the facts disclosed.

Neither the proceedings nor the records relating to performance of a medical review function described herein shall be subject to disclosure under article thirty-one of the civil practice law and rules except as hereinafter provided or as provided by any other provision of law. No person in attendance at a meeting when a medical review function described herein was performed shall be required to testify as to what transpired thereat. The prohibition relating to discovery of testimony shall not apply to the statements made by any person in attendance at such a meeting who is a party to an action or proceeding the subject matter of which was reviewed at such meeting.

4. This article shall not be construed to affect or prevent the following:

a. The furnishing of medical assistance in an emergency;

b. The practice of the religious tenets of any church;

c. A physician from refusing to perform an act constituting the practice of medicine to which he is conscientiously opposed by reason of religious training and belief.

d. The organization of a medical corporation under article forty-four of the public health law or the organization of a professional service corporation under article fifteen of the business corporation law.

5. There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any person, partnership, corporation, firm, society, or other entity on account of the communication of information in the possession of such person or entity, or on account of any recommendation or evaluation, regarding the qualifications fitness, or professional conduct or practices of a physician, to any governmental agency, medical or specialists society, or hospital as defined in article twenty-eight of the public health law. The foregoing shall not apply to information which is untrue and communicated with malicious intent.

**§ 6528. Qualification of certain applicants for licensure.** (a) Notwithstanding any other provisions of this article or any law to the contrary, an individual who at the time of his enrollment in a medical school outside the United States is a resident of the United States shall be eligible for licensure in this state if he has satisfied the requirements of subdivisions one, five, six, seven and eight of section sixty-five hundred twenty-four of this chapter and:

(1) has studied medicine in a medical school located outside the United States which is recognized by the World Health Organization;

(2) has completed all of the formal requirements of the foreign medical school except internship and/or social service;

(3) has attained a score satisfactory to a medical school approved by the Liaison Committee on Medical Education on a qualifying examination acceptable to the state board for medicine, and has satisfactorily completed one academic year of supervised clinical training under the direction of such medical school;

(4) has completed the post-graduate hospital training required by the Board of all applicants for licensure; and

(5) has passed the examination required by the Board of all applicants for licensure.

(b) Satisfaction of the requirements of paragraphs (1), (2), and (3) of subdivision (a) of this section shall be in lieu of the completion of any foreign internship and/or social service requirements, and no such requirements shall be a condition of licensure as a physician in this State.

(c) Satisfaction of the requirements of paragraphs (1), (2), and (3) of subdivision (a) of this section shall be in lieu of certification by the Educational Council for Foreign Medical Graduates, and such certification shall not be a condition of licensure as a physician in this State for candidates who have completed the requirements of subdivision (a) of this section.

(d) No hospital licensed by this State, or operated by the State or a political subdivision thereof, or which receives state financial assistance, directly or indirectly, shall require an individual who has satisfied the requirements of paragraphs (1), (2), and (3) of subdivision (a) of this section, and who at the time of his enrollment in a medical school outside the United States is a resident of the United States, to satisfy any further education or examination requirements prior to commencing an internship or residency.

(e) A document granted by a medical school located outside the United States which is recognized by the World Health Organization issued after the completion of all the formal requirements of such foreign medical school except internship and/or social service shall, upon certification by the medical school in which such training was received of satisfactory completion by the person to whom such training was received of satisfactory completion by the person to whom such document was issued of the requirements listed in paragraph (3) of subdivision (a) of this section, be deemed the equivalent of a degree of doctor of medicine for purposes of licensure and practice as a physician in this State.

**§ 6529. Power of board of regents regarding certain physicians.** Notwithstanding any provision of law to the contrary, the board of regents is authorized, in its discretion, to confer the degree of doctor of medicine (M.D.) upon physicians who are licensed pursuant to section sixty-five hundred twenty-four or section sixty-five hundred twenty-eight of this chapter and have practiced medicine in the state of New York for at least three years subsequent to receiving such license provided, however, that a fee of fifty dollars shall be paid by each applicant to the education department for the issuance of such degree.

# THE REGULATIONS OF THE COMMISSIONER OF EDUCATION
## PART 59
## GENERAL PROVISIONS

Section 59.1 Applicability. (a) As used in this Subchapter, license shall mean a permanent authorization, issued pursuant to Title VIII of the Education Law, to practice a profession or to use a professional title.

(b) The provisions of this Part shall apply to admission to the licensing examination and to the issuance of licenses in each of the professions supervised by the Board of Regents except as may otherwise be provided in this Subchapter with respect to specific professions.

59.2 Education requirements. An applicant for a professional license shall satisfy all education requirements before being admitted to a professional licensing examination. Education requirements for a professional license shall include any preprofessional education or experience required as a prerequisite for admission to a registered program of professional education. The department, in its discretion, may accept in satisfaction of a professional education requirement the completion of an approved or registered program or a program accredited by a professional accreditation organization acceptable to the department. The department, in its discretion, may also accept graduation by a transfer student from such a program provided such student has completed not less than the final year of professional education in such program subsequent to the date of approval, registration or accreditation of the program and approval of the accrediting organization by the department.

59.3 English proficiency requirement. An applicant for licensure whose application is based upon credit granted for the completion of courses of study in a country where English is not the principal language spoken shall demonstrate proficiency in English by passing an examination in English proficiency acceptable to the department or by passing a licensing examination acceptable to the department given in English.

59.4 Citizenship or immigration status requirements. In those professions where citizenship or immigration status is required for licensure, an applicant shall submit evidence satisfactory to the department of compliance with such requirement.

59.5 Professional examinations. (a) The department may develop its own examinations or may select in whole or in part examinations developed or administered by other organizations. Unless specifically authorized by the department, no examination shall be deemed acceptable which has been used in its entirety during the five years previous to the current administration.

(b) Applications for admission to a licensing examination including all required fees shall be completed and filed not less than 60 days prior to the examination. When the department finds that the application is complete and that the requirements for admission to an examination have been met, it will issue to the applicant an admission card which will include the date, time and place of the examination and entitle the applicant to admission thereto. If an application is denied or withdrawn in a timely manner, an applicant may obtain a refund of the first registration fee and a partial refund not exceeding fifty percent of the licensing fee. A request for such a refund shall be made in writing. Reapplication after receipt of a refund may be accepted only upon payment in full of all fees specified.

(c) For the purpose of identification for admission to the examination, the applicant shall present the current admission card with a photograph attached and, at the conclusion of the examination, return the card to the department representative conducting the examination. A candidate shall permit fingerprints to be taken during each part of an examination.

(d) Licensing examinations shall be held at times and places determined by the commissioner and conducted under the following conditions. Any candidate violating such conditions may be dismissed from the examination by the department representative, and the examination paper of such candidate shall be deemed a failure. At the discretion of the department, such candidate may be denied admission to subsequent licensing examinations.

(1) No candidate shall enter any examination more than 45 minutes after the scheduled admission time, nor shall any candidate leave the examination until 60 minutes have elapsed from the scheduled admission time.

No candidate shall leave a department administered practical or clinical examination until dismissed by the chief examiner.

(2) Compensatory time may be granted candidates arriving late for an examination, at the discretion of the department.

(3) A candidate shall not obtain unauthorized possession of examination materials.

(4) During the examination, no candidate shall give or receive help, or communicate with any other candidate in any way, except upon the express permission of the department representative.

(5) A candidate shall bring into the examination room only such books and other materials as are indicated on the admission card and permitted by the department.

(6) A candidate shall not remove from the examination room any of the materials provided for an examination, and shall not reproduce or reconstruct any portion of the examination or answer paper, or aid in such reproduction or reconstruction by any means, unless authorized by the department. Such materials include examination booklets, individual examination questions, answer sheets or score sheets, instructions and any reference tables or papers which were provided by the department and which may have been used in the course of the examination.

(e) Papers will be scored and candidates notified of success or failure by the department or its designee. If the candidate has failed, the department will advise when and on what basis the candidate may be reexamined.

(f) The passing score in each component of each part of the licensing examination shall be determined as provided by law and shall be computed without rounding. Unless otherwise provided in the regulations pertaining to a specific profession, a candidate may retain credit for examination parts passed for a period not to exceed five years from the examination date. A candidate who is reexamined in a part already passed shall not retain credit for such part from earlier examinations. In those professions which use national or regional examinations, this subdivision shall apply whether or not the examination is taken in the State of New York.

(g) In those professions where reviews of examination papers are permitted, candidates will be allowed to review only those parts of the examination which they failed with a score of 65 or higher, except in those professions which permit candidates to pass on average. A request for review of an examination paper or score may be made in writing to the executive secretary of the appropriate state board not later than 30 days after examination grades are released by the department. Such request shall include detailed reasons justifying the review requested. A candidate shall not remove from the reviewing site any of the materials provided for the review of an examination given previously, and shall not reproduce or reconstruct any portion of the examination or the answer paper, or aid in such reproduction or reconstruction by any means, unless authorized by the department. No one other than the candidate will be permitted access to examination materials. Where examinations are offered under contract with testing agencies, reviews shall be consistent with these contracts, where applicable. All reviews shall be conducted at sites selected and supervised by the department or an authorized testing agency.

(h) After July 1, 1984, an applicant who has been admitted to a professional licensing examination conducted by the department and subsequently fails to appear for such an examination twice shall forfeit any remaining fee credits for that examination. The applicant, upon subsequently applying for readmission to that examination, shall pay all required admission fees.

59.6 License by endorsement. An applicant for endorsement of a license issued by another jurisdiction shall establish that the applicant:

(a) meets all requirements of section 6506 (6) of the Education Law;

(b) has had satisfactory professional experience of at least two years following initial licensure, unless a different period is provided in the regulations pertaining to a particular profession;

(c) has not attempted unsuccessfully a licensing examination used by the State of New York either prior to or after making application for licensure by endorsement, unless such applicant has later passed a comparable licensing examination.

59.7 Licenses and initial registrations. When the candidate fulfills all requirements for licensure, the department shall issue a first registration certificate and a license. The first registration shall be for the remainder of

the applicable registration period, except that those persons initially licensed during the last four months of a registration period shall be registered for the succeeding registration period without an additional fee.

59.8 Registration for professional practice. (a) Each licensee shall be responsible for registering with the department. Failure to register shall subject the practitioner to the late fee set forth in section 6502 (3) of the Education Law. Any practitioner who willfully refuses to register shall be subject to the penalties set forth in section 6511 of such law.

(b) A licensee not practicing or using a restricted title in New York State or an individual practicing only in a setting which is exempt from licensure in accordance with law may allow registration to lapse without being subject to the late fee set forth in section 6502 of the Education Law, by notifying the department of their cessation of practice or exemption in the state. At such time as the licensee may choose to resume practice or enter practice in a non-exempt setting in New York State, a registration certificate may be issued upon the filing of a proper application and the payment of the required registration fee.

(c) Registration certificates shall be conspicuously displayed by each licensee in each office in which the profession is practiced. In instances where licensees regularly practice at more than one professional office, registration certificates shall be obtained for each office bearing the licensee's name and the exact address of each such office upon making proper application to the department and submitting a fee. Where practice is carried on in other than individual offices, each licensee shall have a current registration certificate available for inspection at all times.

(d) Beginning dates for two year (biennial) registration periods for each profession shall be as follows:

| Professions | Beginning Dates |
|---|---|
| Professional Engineering, Land Surveying, Massage | 11/1/80 |
| Acupuncture, Medicine, Pharmacy, Physical Therapy, Physical Therapist Assistant | 1/1/81 |
| Registered Professional Nursing | 9/1/81 |
| Chiropractic, Veterinary Medicine, Animal Health Technology, Physician's Assistant, Specialist's Assistant Social Work | 1/1/82 |
| Occupational Therapy, Speech Pathology, Audiology | 4/1/82 |
| Dentistry, Dental Hygiene | 5/1/82 |
| Optometry, Ophthalmic Dispensing, Certified Shorthand Reporting | 7/1/82 |
| Licensed Practical Nursing, Architecture, Landscape Architecture, Certified Public Accountant, Public Accountancy | 9/1/82 |
| Psychology | 5/1/83 |
| Podiatry | 9/1/83 |
| Occupational Therapy Assistant | 11/1/83 |

(e) Beginning dates for new three-year (triennial) registration periods shall be as follows:

| Professions | Beginning Dates |
|---|---|
| Professional Engineering, Land Surveying, Massage | 11/1/82 |
| Acupuncture, Medicine, Pharmacy, Physical Therapy, Physical Therapist Assistant | 1/1/83 |
| Registered Professional Nursing | 9/1/83 |
| Chiropractic, Veterinary Medicine, Animal Health Technology, Physician's Assistant, Specialist's Assistant Social Work | 1/1/84 |
| Occupational Therapy, Speech Pathology, Audiology | 4/1/84 |
| Dentistry, Dental Hygiene | 5/1/84 |
| Optometry, Ophthalmic Dispensing, Certified Shorthand Reporting | 7/1/84 |
| Licensed Practical Nursing, Architecture, Landscape Architecture, Certified Public Accountant, Public Accountancy | 9/1/84 |

| | |
|---|---|
| Psychology | 5/1/85 |
| Podiatry | 9/1/85 |
| Occupational Therapy Assistant | 11/1/85 |

(f) Each professional practitioner shall notify the department of any change of name or address in writing not later than 30 days after such change.

59.9 Special service fees. The department will charge the following fees for special services not otherwise provided by Education Law:

(a) for the issuance of a trainee permit in ophthalmic dispensing, $15;

(b) for certification of completion of pharmacy internship, $10;

(c) for admission to the history section of the technical examination in landscape architecture, $50 and for each subsequent reexamination, $50, the remainder of the fee set forth in Section 7324 of the Education Law to be paid prior to admission to the remainder of the examination;

(d) for certification of licensure or examination grades to another jurisdiction, $20;

(e) for certification in acupuncture of a licensed physician or dentist, $50;

(f) for the issuance of an additional registration certificate, $5;

(g) for the issuance of a letter of eligibility to undertake clinical clerkships, $30;

(h) for the issuance of a Medical Sciences Knowledge Profile (MSKP) or satisfactory equivalent examination certificate to undertake clinical clerkships, $20.

59.10 Professional service corporations. (a) Applications to the State Education Department for the issuance of a certificate pursuant to Business Corporation Law section 1503 (b) (ii) shall be made by submitting to the department a fully executed certificate of incorporation which complies with the provisions of such section and of section 1512 of such law, and which sets forth or has annexed to it an affidavit of one of the original officers, directors or shareholders of the corporation setting forth the name of each individual who is to be one of the original shareholders, directors or officers of the corporation.

(b) If the name of a proposed professional service corporation contains the name of a deceased person, the certificate of incorporation, when submitted to the department for the issuance of a certificate pursuant to Business Corporation Law section 1503 (b) (ii) shall be accompanied by an affidavit of one of the subscribers to the certificate of incorporation establishing compliance with the provisions of Business Corporation Law section 1512 (a) (2).

(c) A certificate pursuant to Business Corporation Law section 1503 (b) (ii) may be issued when:

(1) the proposed name of the corporation appropriately describes the profession practiced and the services to be provided;

(2) if the proposed name of the corporation includes a reference to a specialized area of professional practice, satisfactory evidence is submitted of compliance with any provision of Part 29 of the Rules of the Board of Regents restricting or regulating the use of specialty titles or announcements of limitations of practice in the particular profession.

**FORM 1**
**MEDICINE**

**ALL CANDIDATES MUST COMPLETE THIS FORM**

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF PROFESSIONAL LICENSING SERVICES

# APPLICATION FOR LICENSE AND FIRST REGISTRATION

COMPLETE BOTH SIDES OF THIS APPLICATION

**Department Use Only**

60

☐ 370 LX

☐ 295 ER

☐ 60 PR

**N.Y.S. License Number**

QUALS. . . . . .

APPROVED . . . . . .

1. ☐☐☐ – ☐☐ – ☐☐☐☐ Social Security Number

2. ☐☐☐ First 3 letters of Last Name

3. BIRTH DATE ☐☐ mo. ☐☐ day ☐☐ yr.

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE. (IMPORTANT: A request that contains only initials and the surname cannot be honored.)

Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

5. ADDRESS (check only one) ☐ permanent address of record ☐ temporary mailing address*

* If temporary address has been provided, please also note special instructions about temporary mailing addresses contained in "Licensure Requirements."

Care of ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Misc. (Bldg. & Apt., etc.) ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Street ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

City ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

State ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐ ZIP Code ☐☐☐☐☐

6. TELEPHONE

At home ☐☐☐ – ☐☐☐☐☐☐☐ area code number

At work ☐☐☐ – ☐☐☐☐☐☐☐ area code number

7. CITIZENSHIP ☐ United States ☐ Alien Lawfully admitted for permanent residence in the United States.

Citizen of _____

8. Name as it appears on diploma or other credentials. _____

9. Have you previously applied for a New York State Medical license or a limited permit ☐ Yes ☐ No

10. Have you ever been convicted of a crime (felony or misdemeanor) in any state or country? ☐ Yes ☐ No

11. Have you ever been charged with a crime (felony or misdemeanor) in any state or country, the disposition of which was other than by acquittal or dismissal? ☐ Yes ☐ No

12. Have you ever surrendered your license or been found guilty of professional misconduct, unprofessional conduct, incompetence or negligence in any state or country? ☐ Yes ☐ No

13. Are charges pending against you for professional misconduct, unprofessional conduct, incompetence or negligence in any state or country? ☐ Yes ☐ No

14. Has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges or have you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such manner? ☐ Yes ☐ No

If the answer to questions 10–14 is "Yes," submit a letter giving a complete explanation as applicable, also include copies of your court records and a copy of the "Certificate of Relief from Disabilities" or your "Certificate of Good Conduct."

15. I wish to be licensed in New York State on the basis of:

☐ National Board Certificate (See page 4).

☐ National Board Certificate/Osteopath (See page 5).

☐ Admission to the licensing examination in New York State (See page 5).
Give date of Flex examination requested (Month and Year) _____
Requested exam center: ☐ New York City Area ☐ Albany Area ☐ Buffalo Area

☐ Acceptance of Federation Licensing Examination (FLEX) taken outside New York State.
Give dates and locations of all FLEX examinations taken. _____
_____
My FLEX identification Number (FIN) is: _____

☐ Endorsement of license from another State or Country.
Name State or Country _____
Other _____

☐ 5th Pathway (Section 6528 of the Education Law.)

• COMPLETE OTHER SIDE •

January 1986

16. I am a graduate of the following medical program:

| Name of Medical School Attended and Location | Number of Years Attended | Class Completed | ATTENDANCE | | Diploma or Degree Obtained (if school is located Outside the United States, attach a copy) |
|---|---|---|---|---|---|
| | | | Entrance Date | Leaving Date | |
| **School** | | | | | |

17. I am a licensed physician in the following states or countries:

| State or Country | Date License Issued | Number | Basis of Licensure | | | Any Limitations on License |
|---|---|---|---|---|---|---|
| | | | Examination (Date Passed) | Endorsement | Other | |
| | | | | | | |

**AFFIDAVIT**

I hereby certify that I have read the statutory provisions, Rules of the Board of Regents and Regulations of the Commissioner of Education distributed to me by the State Education Department.

Under penalties of perjury, I declare and affirm that the statements made in the application, including accompanying statements and transcripts are true, complete and correct. I understand that any false or misleading information in, or in connection with my application may be cause for denial or loss of licensure.

..... .....

*Signature of candidate* *Date*

• **DO NOT STAPLE** •

ATTACH
PHOTOGRAPH NOT MORE
THAN ONE YEAR OLD
SECURELY
IN THIS SPACE

Write signature on light portion of photograph not across features.

Date of Photograph .....

**FORM 2**
**MEDICINE**

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF PROFESSIONAL LICENSING SERVICES

**ALL CANDIDATES MUST COMPLETE THIS FORM.**

# CANDIDATE EDUCATION AND TRAINING RECORD

1. ☐☐☐–☐☐–☐☐☐☐ Social Security Number
2. ☐☐☐ First 3 letters of Last Name
3. BIRTH DATE ☐☐ mo. ☐☐ day ☐☐ yr.

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE. (IMPORTANT: A request that contains only initials and the surname cannot be honored.)

Last ☐☐☐☐

7. * If Clinical Clerkships were completed in a country other than where your medical school is located, give the dates and location of those clerkships.

| Exact Clerkship Dates | Clinical Area | Health Care Facility Where Taken/Location | Medical School In Which Taken/Location |
|---|---|---|---|
| | | | |

8. List all training activities chronologically since graduation from professional school to the present. Vacation periods, and periods of unemployment *must* be included. (Proof must be submitted for all medical experience claimed in the Unites States or Canada.)

| FROM | | TO | | Type of Professional Training, Including Name and Address of Employer, Beginning with Date of Graduation from Professional School |
|---|---|---|---|---|
| Month | Year | Month | Year | |
| | | | | |

9. Professional Certificates/Other Examinations

| | | | | |
|---|---|---|---|---|
| **MSKP** | Date: | Score: | Certificate No.: | |
| **Proficiency Examination** | Name: | Date Medicine Passed | Date English Passed | Certificate No. |
| **Specialty Boards** (if more space is needed attach on separate sheet). | | | | |
| **Fifth Pathway** | Name and Location of Medical School | Name and Location of Hospital | Inclusive Dates of Attendance | |

**FORM 2A**
**MEDICINE**

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF PROFESSIONAL LICENSING SERVICES

**Graduates of N.Y.S. Registered or LCME Accredited Programs must complete this Form.**

# CERTIFICATION OF PROFESSIONAL EDUCATION: REGISTERED OR ACCREDITED PROGRAMS

## CANDIDATE INSTRUCTION

1. **Complete Section I. Enter your name as it appears on your Application (Form 1).**
2. **Send this form to the professional school you attended. See "Licensure Requirements" for additional instruction. Be sure to include any fee required.**
3. **Certification is not acceptable unless dated after graduation. This form should be used only if your professional scool offers an accredited medical curriculum.**

## SECTION I: CANDIDATE INFORMATION

1. ☐☐☐–☐☐–☐☐☐☐ **Social Security Number**
2. ☐☐☐ **First 3 letters of Last Name**
3. **BIRTH DATE** ☐☐ ☐☐ ☐☐ mo. day yr.

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE. (IMPORTANT: A request that contains only initials and the surname cannot be honored.)

Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

5. Basis of Licensure sought (see item 15 on Form 1): ☐ by examination ☐ by endorsement

6. Print name under which degree or diploma was awarded:

_____
(Name)

7. High School Attended: _____
(Name)

8. Professional school attended: _____
(Name)

Address_____ Date degree was awarded _____

**• CERTIFICATION BY PROFESSIONAL SCHOOL OFFICIAL •**
**IS TO BE MADE ON REVERSE SIDE**

**SECTION II: CERTIFICATION OF EDUCATION**

**INSTRUCTION TO SCHOOL:** Please complete this section of this licensure application form and sign the certifying statement. This form must be returned directly to the Division of Professional Licensing Services. This form will not be accepted if returned by the applicant.

**CERTIFICATION BY N.Y.S. REGISTERED OR LCME ACCREDITED MEDICAL SCHOOL**

It is hereby certified that the candidate named herein:

(1) Satisfactorily completed, prior to matriculation in professional school, all of the required preprofessional education.

List Professional School(s)/Location _____

_____

_____

_____

(2) Enrolled in this professional school on _____

(3) Was graduated from this professional school after the completion of a medical program with the degree of _____ on _____.

(4) The medical program completed was _____ months of study.

Name _____
(Original signature)

Official position _____

Medical School _____ (COLLEGE SEAL)

Date _____

**Certification is not acceptable unless dated after graduation.**

- **RETURN TO: Division of Professional Licensing Services, Medical Unit, Cultural Education Center, Albany, New York 12230**

**FORM 2N**
**MEDICINE**

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF PROFESSIONAL LICENSING SERVICES

**Graduates of Non-N.Y.S. Registered or Non-LCME Accredited Programs must complete this Form.**

# CERTIFICATION OF PROFESSIONAL EDUCATION: NON REGISTERED OR ACCREDITED PROGRAMS

## CANDIDATE INSTRUCTION

1. **Complete Section I. Enter your name as it appears on your Application (Form 1).**
2. **Send this form to the professional school you attended. See "Licensure Requirements" for additional instruction. Be sure to include any fee required.**

## SECTION I: CANDIDATE INFORMATION

1. ☐☐☐–☐☐–☐☐☐☐ **Social Security Number**
2. ☐☐☐ **First 3 letters of Last Name**
3. **BIRTH DATE** ☐☐☐☐☐☐ mo. day yr.

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE. (IMPORTANT: A request that contains only initials and the surname cannot be honored.)

Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

5. Print name under which diploma was awarded:

_____
(Name)

6. High School Attended: _____
(Name)

7. Professional school attended: _____
(Name)

Address_____ Date diploma was awarded_____

8. Name of Diploma_____

**• CERTIFICATION BY PROFESSIONAL SCHOOL OFFICIAL •**
**IS TO BE MADE ON REVERSE SIDE**

**SECTION II: CERTIFICATION OF PROFESSIONAL EDUCATION**

**INSTRUCTION TO SCHOOL:** Please complete this section of the licensure application form and sign the certifying statement. **The appropriate records should be sent directly to the Comparative Education Service, New York State Education Department, Division of Professional Licensing Services, Cultural Education Center, Albany, New York 12230.** This form will *not be accepted* if returned by the applicant.

(1) Date of candidate's entrance, date of completion of studies or withdrawal from the school:

**Entrance Date:**_____ **Completion**/withdrawal date:_____

(2) Diploma conferred and date of conferral: _____.

(3) Transcript of all courses taken at the medical school and grades received.

(4) Transcript of all courses convalidated or accepted for transfer credit by your medical school and the basis on which these subjects were convalidated including the name of the institution from which credit was transferred.

(5) (a) Attach a list of clerkships, for which credit was awarded or convalidated, including name and location of hospital, inclusive dates, and clinical area for each clerkship, including

(b) All clerkships completed for another medical school that were convalidated including name and location of hospital, inclusive dates, and clinical area for each clerkship.

(6) If Social Service was required, give inclusive dates and name of institution in which requirement was met.

Institution_____ Dates:_____ to _____

(7) If a pre-graduation internship was required, give inclusive dates and name of institution in which requirement was met.

Institution_____ Dates:_____ to _____

Medical School_____

Name of Student as it appears
on school records_____

Student ID Number_____

Year of graduation
or withdrawal_____

Name_____
(Original signature)

Official position _____

Medical School _____ (COLLEGE SEAL)

Date _____

**Certification is not acceptable unless dated after graduation.**

- **RETURN TO: Divison of Professional Licensing Services, Office of Comparative Education, Cultural Education Center, Room 3007, Albany, New York 12230**

**FORM 2CT**
**MEDICINE**

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF PROFESSIONAL LICENSING SERVICES

**Graduates who completed clinical clerkships in a country other than where medical school is located must complete this Form.**

# CERTIFICATION OF APPROVED CLINICAL TRAINING

## CANDIDATE INSTRUCTION

1. **Complete Section I. Enter your name as it appears on your Application. (Form 1)**
2. **If you completed clinical clerkships in a country other than where your medical school is located, send this form to the director of medical education of the hospital(s) in which you completed your clerkship(s).**
3. **One form must be submitted to verify each clerkship. If you have completed more than 3 clerkships, you may have the director of medical education complete a photocopy of the form.**
4. **If the hospital in which you did your clerkship does not have a director of medical education, the forms may be completed by the department chief.**

## SECTION I: CANDIDATE INFORMATION

1. ☐☐☐–☐☐–☐☐☐☐ **Social Security Number**
2. ☐☐☐ **First 3 letters of Last Name**
3. **BIRTH DATE** ☐☐ mo. ☐☐ day ☐☐ yr.

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE. (IMPORTANT: A request that contains only initials and the surname cannot be honored.)

Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

## SECTION II: HOSPITAL CERTIFICATION OF CLINICAL TRAINING

This is to certify that _____ (Student's Name),

a student of _____ (Medical School),

participated in a clerkship offered by _____

_____ (Hospital Name)

Hospital from _____ (Date) 19_____ thru _____ (Date) 19_____ in the clinical area

_____ (Clinical Area) of _____ and that the

above named student successfully completed this clerkship on _____ (Date) in an

approved residency program in this clinical area. **If this student did not successfully complete the clerkship, please attach a letter of explanation with this form.** This clerkship conforms to provisions of statute and regulations in _____ (State)

at time clerkship was completed.

I was the program director for the student named above during the clerkship indicated and have carefully read and completed this form and hereby attest that the statements made herein are true in every respect.

PRINT NAME OF HOSPITAL DIRECTOR _____

Signature of hospital director _____ Date _____

- **RETURN TO: Division of Professional Licensing Services, Office of Comparative Education, Cultural Education Center, Room 3007, Albany, New York 12230**

**January 1986**

**FORM 2CT**
**MEDICINE**

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF PROFESSIONAL LICENSING SERVICES

**Graduates who completed clinical clerkships in a country other than where medical school is located must complete this Form.**

# CERTIFICATION OF APPROVED CLINICAL TRAINING

## CANDIDATE INSTRUCTION

1. **Complete Section I. Enter your name as it appears on your Application. (Form 1)**
2. **If you completed clinical clerkships in a country other than where your medical school is located, send this form to the director of medical education of the hospital(s) in which you completed your clerkship(s).**
3. **One form must be submitted to verify each clerkship. If you have completed more than 3 clerkships, you may have the director of medical education complete a photocopy of the form.**
4. **If the hospital in which you did your clerkship does not have a director of medical education, the forms may be completed by the department chief.**

## SECTION I: CANDIDATE INFORMATION

1. ☐☐☐–☐☐–☐☐☐☐ **Social Security Number**
2. ☐☐☐ **First 3 letters of Last Name**
3. **BIRTH DATE** ☐☐ ☐☐ ☐☐ mo. day yr.

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE. (IMPORTANT: A request that contains only initials and the surname cannot be honored.)

Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

## SECTION II: HOSPITAL CERTIFICATION OF CLINICAL TRAINING

This is to certify that _____ (Student's Name),

a student of _____ (Medical School),

participated in a clerkship offered by _____

_____ (Hospital Name)

Hospital from _____ (Date) 19_____ thru _____ (Date) 19_____ in the clinical area

_____ (Clinical Area) of _____ and that the

above named student successfully completed this clerkship on _____ (Date) in an

approved residency program in this clinical area. **If this student did not successfully complete the clerkship, please attach a letter of explanation with this form.** This clerkship conforms to provisions of statute and regulations in _____ (State)

at time clerkship was completed.

I was the program director for the student named above during the clerkship indicated and have carefully read and completed this form and hereby attest that the statements made herein are true in every respect.

PRINT NAME OF HOSPITAL DIRECTOR _____

Signature of hospital director _____ Date _____

- **RETURN TO: Division of Professional Licensing Services, Office of Comparative Education, Cultural Education Center, Room 3007, Albany, New York 12230**

**January 1986**

**FORM 2PGT**
**MEDICINE**

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF PROFESSIONAL LICENSING SERVICES

**ALL CANDIDATES MUST COMPLETE THIS FORM.**

# CERTIFICATION OF APPROVED POST GRADUATE TRAINING

## CANDIDATE INSTRUCTION

1. **Complete Section I. Enter your name as it appears on your Application. (Form 1)**
2. **Please send this form to the director of medical education of the hospital(s) in which you completed post graduate training. One form must be submitted to verify each residency.**
3. **If you have completed more than 3 residencies, you may have the director of medical education complete a photocopy of the form.**
4. **This form must be sent directly to this office by the hospital in which you did your residency. If the hospital in which you did your residency does not have a director of medical education, the forms may be completed by the department chief.**

## SECTION I: CANDIDATE INFORMATION

1. ☐☐☐–☐☐–☐☐☐☐ **Social Security Number**
2. ☐☐☐ **First 3 letters of Last Name**
3. **BIRTH DATE** ☐☐/☐☐/☐☐ mo. day yr.

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE. (IMPORTANT: A request that contains only initials and the surname cannot be honored.)

Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

## SECTION II: CERTIFICATION OF POST GRADUATE TRAINING

This is to certify that _____,
Physician's Name

a graduate of _____
Medical School

participated in a post graduate training program offered by _____

_____
Name of Hospital

from _____ 19_____ thru _____ 19_____ in the clinical area of
Date Date

_____ and that the
Clinical Area

above named physician successfully completed this training on_____.
Date

This hospital *does* have an approved residency program in this clinical area. **If this physician did not successfully complete the post graduate training program, please attach a letter of explanation with this form.**

I was the program director for the physician named above during the post graduate training indicated and have carefully read and completed this form and hereby attest that the statements made herein are strictly true in every respect.

PRINT NAME of hospital director or director of medical education: _____

Signature of hospital director or director of medical education: _____

Date _____

- **RETURN TO: Division of Professional Licensing Services, Office of Comparative Education, Cultural Education Center, Room 3007, Albany, New York 12230**

**January 1986**

**FORM 3**
**MEDICINE**

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF PROFESSIONAL LICENSING SERVICES

**FOR ENDORSEMENT CANDIDATES ONLY**

# CERTIFICATION OF MEDICAL LICENSURE IN ANOTHER JURISDICTION

## CANDIDATE INSTRUCTION

1. **Complete Section I. Enter your name as it appears on your Application. (Form 1)**
2. **Send this form to the appropriate state or territory, as instructed in the "Licensure Requirements.' Be sure to include any fee required.**

## SECTION I: CANDIDATE INFORMATION

1. ☐☐☐–☐☐–☐☐☐☐ **Social Security Number**
2. ☐☐☐ **First 3 letters of Last Name**
3. **BIRTH DATE** ☐☐☐☐☐☐ mo. day yr.

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE. (IMPORTANT: A request that contains only initials and the surname cannot be honored.)

Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

5. If you entered a licensing examination in the United States, using a different name, enter that name below:

_____
(Last) (First) Middle

6. If licensed by examination in the United State give state or territory _____

Date license was issue _____ License Number _____

## SECTION II: CERTIFICATION OF MEDICAL LICENSURE.

Instructions to licensing authority: Please complete this section and return this form directly to the Division of Professional Licensing Services. *This form will not be accepted if returned by the candidate.*

1. Name of candidate: _____
2. Medical License Number: _____ Date of Licensure: _____
   Mo. Day Yr.
3. On what basis was candidate licensed in your jurisdiction:

   _____

   _____

   _____

4. Is this candidate currently in good standing with this jurisdiction? ☐ Yes ☐ No
   If no, please explain:

January 1986

• COMPLETE OTHER SIDE •

5. Please specify the state or national medical examinations successfully completed by the candidate_____

_____

A. If the candidate was licensed in your state by a state constructed examination, please complete the following (list the exam subjects in chronologic order):

| Name of Examination and List of Subject Areas | Date | Grade | Minimum Passing Grade |
|---|---|---|---|
| | | | |

I hereby certify that to the best of my knowledge and belief the foregoing is a true statement of the record of professional licensure of the individual named on this form.

Signature_____

Title_____

Agency_____

(State Board Seal)

Address_____

_____

Date_____

• **RETURN TO: Division of Professional Licensing Services, Office of Comparative Education, Cultural Education Center, Room 3067, Albany, New York 12230**

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF PROFESSIONAL LICENSING SERVICES

**FORM 4**
**MEDICINE**

**FOR ENDORSEMENT CANDIDATES ONLY**

# VERIFICATION OF PROFESSIONAL MEDICAL PRACTICE IN ANOTHER JURISDICTION

1. ☐☐☐–☐☐–☐☐☐☐ **Social Security Number**
2. ☐☐☐ **First 3 letters of Last Name**
3. **BIRTH DATE** ☐☐ mo. ☐☐ day ☐☐ yr.

4. Print
Full Name _____
as it appears in your Application (Form 1)

Affiant Instructions: A duly licensed physician in good standing in the state where candidate is licensed must complete the statement below.

I know that said candidate has had 2 years of satisfactory professional experience following medical licensure.

I have been personally acquainted with the above named candidate for _____ years.

I know him/her to be of good moral character, and recommend him/her to the Department as entirely worthy to be licensed to practice medicine in the State of New York.

| Date | | Address |
|---|---|---|
| From | To | |
| | | |
| | | |
| | | |
| | | |
| | | |

Under penalty of perjury, I declare and affirm that the statement above is true, complete and correct.

_____ Signature of Affiant

_____ Date

_____ License No.

_____ State

Address: _____

_____

- **RETURN TO: Division of Professional Licensing Services, Office of Comparative Education, Cultural Education Center, Room 3007, Albany, New York 12230**

**January 1986**

**FORM 5**
**MEDICINE**

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF PROFESSIONAL LICENSING SERVICES

**LIMITED PERMIT CANDIDATES MUST COMPLETE THIS FORM.**

# APPLICATION FOR LIMITED PERMIT IN MEDICINE

**Department Use Only**

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☐ ☐☐☐ ☐☐ ☐

1. **See "Licensure Requirements" for instructions and fees.**
2. **If you have filed an application for licensure, you need only submit the form 5 for a Limited Permit in medicine.**
3. **In such case, complete Section I & III. Enter your name as it appears on your Application (Form 1). Employer *must* complete Section II.**
4. **If you have not filed an application for medical licensure, you must also submit the Certification of Professional Education (Form 2), either the 2A or 2N, the 2CT and 2PGT.**

Approved
Rejected_____

Date:_____

Permit No._____

Issued_____

Expires_____

**SECTION I: Candidate Information**

1. ☐☐☐ – ☐☐ – ☐☐☐☐ **Social Security Number**

2. ☐☐☐ **First 3 letters of Last Name**

3. **BIRTH DATE** ☐☐ ☐☐ ☐☐ mo. day yr.

4. PRINT FULL NAME
Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

5. ADDRESS
Street ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
City ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
State ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐ ZIP Code ☐☐☐☐☐

6. TELEPHONE
At work ☐☐☐ – ☐☐☐☐☐☐☐ area code number
At home ☐☐☐ – ☐☐☐☐☐☐☐ area code number

7. I am applying for:
☐ **ORIGINAL PERMIT (Do not complete #8)**
☐ **RENEWAL OF ORIGINAL PERMIT (Complete #8)**
**LIMITED PERMIT #** _____

8. Renewals of Original Permits.
   A. Section 60.6 of the Commissioners Regulations provides that the Department MAY renew limited permits in medicine when the candidate has provided, "satisfactory evidence of personal or family illness or extenduating circumstances preventing the candidate from taking the licensing examination, or satisfactory performance on a significant part of the New York State licensing examination in medicine, provided that such permit shall not be renewed for more than 24 months."
   B. Accordingly, please provide the basis of your request for renewal of your original permit:

_____

_____

_____

**NEW YORK STATE DEPARTMENT OF HEALTH STATE HOSPITAL CODE SECTION 405.7(e)(1)(2); TITLE 10 RULES AND REGULATIONS**

As detailed on page (10) of this handbook, Section 405.7(e)(1)(2) of the State Hospital Code (Title 10, New York Code, Rules and Regulations) establishes additional requirements for practice by foreign medical school graduates with limited permits.

Please be sure you have read these requirements carefully before completing the Limited Permit Application.

Questions about this requirement may be directed to Bureau of Hospital Services, Office of Health System Management, New York State Health Department (518) 474-5013.

**SEE REVERSE SIDE FOR EMPLOYER'S CERTIFICATION FOR LIMITED PERMIT.**

January 1986

**SECTION II: EMPLOYER CERTIFICATION**

1. I hereby certify that I am the Administrator or Appointing officer of:

_____

_____

(Official Name & Address of Hospital)

2. Which is a:

☐ General hospital, as defined by the public health law.

☐ Nursing home.

☐ State-operated psychiatric, developmental, or alcohol treatment center.

☐ Incorporated, non-profit institution for the treatment of the chronically ill.

3. I certify that the physician named in this application is being appointed as a member of the staff of this hospital. The appointment is to be for _____ years as (Please check appropriate title and indicate field or specialty):
( ) Resident ( ) Assistant ( ) Fellow ( ) Staff Physician in _____

_____, under the supervision of a licensed physician in New York State.

_____ _____
Signature of Official Dated

_____ _____
Title of Official Telephone

**SECTION III: CANDIDATE AFFIRMATION**

**AFFIDAVIT**

I hereby certify that I have read the statutory provisions, Rules of the Board of Regents and Regulations of the Commissioner of Education distributed to me by the State Education Department.

Under penalties of prejury, I declare and affirm that the statements made in the application, including accompanying statements and transcripts are true, complete and correct. I understand that any false or misleading information in, or in connection with my application may be cause for denial or loss of licensure.

.....
*Signature of candidate*

.....
*Date*

• DO NOT STAPLE •

ATTACH
PHOTOGRAPH NOT MORE
THAN ONE YEAR OLD
SECURELY
IN THIS SPACE

Write signature on light portion of photograph not across features.

Date of photograph .....

**Important:** **Do not send cash.** Please make check or money order payable to the New York State Education Department. Mail form 5 and fee to: Fee Section, Division of Professional Licensing Services, State Education Department, Cultural Education Center, Albany, New York 12230. **PLEASE NOTE: Payment submitted from outside the United States should be made by check or draft on a United States Bank and in United States currency. payments submitted in any other form will not be accepted and will be returned.**

## FLEX STATUS REPORT REQUEST FORM

TO NEW YORK STATE FLEX APPLICANTS:

As part of your official application to sit for the FLEX examination in New York State, you may wish to request that a report verifying your current FLEX status be sent directly to the State Education Department by the Federation of State Medical Boards of the United States. This status report would confirm if and when you previously sat for FLEX examinations. It would also include information, if applicable, on any disciplinary action taken against you by any medical licensing jurisdiction. (FLEX scores from previous sittings, if any, would not be reported on the report.)

The fee for the FLEX Status Report is $15, payable by a cashier's check or money order made to the Federation of State Medical Boards of the United States. **Personal checks are not accepted.**

If you wish a FLEX Status Report to be sent, please complete the form below and mail it, along with the $15 fee, to the address indicated. The Federation will report directly to this Department.

---

(MUST BE PRINTED OR TYPED)

MAIL TO:

FEDERATION OF STATE MEDICAL BOARDS, INC.
2630 West Freeway, Suite 138
Fort Worth, Texas 76102-7199

I am applying to take the FLEX in the State of _____ and hereby request that you forward a FLEX Status Report to that state medical board. The board requires the report be submitted by _____ / _____ / _____.
(MONTH) (DAY) (YEAR)

FULL NAME: _____
(FIRST) (MIDDLE) (LAST)

OTHER NAMES USED/MAIDEN NAME: _____

ADDRESS: _____

_____

DATE OF BIRTH: _____ / _____ / _____ COUNTRY OF BIRTH: _____
(MONTH) (DAY) (YEAR)

MEDICAL SCHOOL: _____

YEAR GRADUATED: _____ COUNTRY IN WHICH MEDICAL SCHOOL IS LOCATED: _____.

SOCIAL SECURITY NUMBER: _____ - _____ - _____ ECFMG NUMBER (if any): _____

(MUST BE PRINTED OR TYPED)

---

- THIS IS **NOT** A REQUEST FOR FLEX TRANSCRIPTS OR SCORES -

# PART 60
# MEDICINE, PHYSICIAN'S ASSISTANT, SPECIALIST'S ASSISTANT AND ACUPUNCTURE

Section 60.1 Professional study of medicine.

(a) To meet the preprofessional and the professional education requirement for licensure in this State the applicant shall present evidence of:

(1) the completion of two years of preprofessional education acceptable to the department; and

(2) the completion of a curriculum of not less than 32 months in length in a medical program registered by the department, accredited by an accrediting organization acceptable to the department, or recognized by the appropriate civil authorities of the country in which the school is located as an acceptable educational program for physicians or the completion of a medical program registered by the department or accredited by an accrediting organization acceptable to the department in which the student received advanced standing for prior academic work; and

(3) having received, from a school offering a program which meets the requirements of paragraph (2) of this subdivision, the degree doctor of medicine or doctor of osteopathy or the equivalent as determined by the department; and

(4) having obtained a passing score on a satisfactory proficiency examination, if the program of medical education is completed in a medical school not registered by the department or determined by the department to be equivalent to a registered program; provided, however, that a satisfactory diplomate certificate earned by examination may be accepted for the required proficiency examination.

(b) Courses failed in a school of medicine, for which credit has been granted toward meeting the requirements of a medical degree by another school of medicine, may not be counted toward meeting the requirements of this Part.

(c) A clinical clerkship may be part of a program of study subject to the provisions of section 60.2 of this Part.

60.2 Clinical clerkships. (a) Clinical clerkship as used in this Part shall mean a supervised educational experience which is part of the clinical component of a program of undergraduate medical education, which takes place in a general hospital or in an equivalent health organization acceptable to the department and which is performed in accordance with all requirements of the jurisdiction in which such facility is located.

(b) Students enrolled in medical programs registered by the department or determined by the department to be equivalent to such programs, or students whose clerkships shall not exceed an aggregate of 12 weeks in two academic years may serve in clinical clerkships.

(c) Except as provided in subdivision (b) of this section, students enrolled in medical programs not registered by the department may serve in clinical clerkships in teaching hospitals in this State provided that:

(1) the student was engaged in a clinical clerkship in this State prior to May 1, 1981; or

(2) the student was enrolled in the medical school on or before September 25, 1980 and has provided evidence of having obtained a satisfactory score on the Medical Sciences Knowledge Profile examination taken prior to July 1, 1985, a passing score on Part I of the Foreign Medical Graduate Examination in the Medical Sciences (FMGEMS), or an acceptable score on a satisfactory equivalent examination; or

(3) the student was enrolled in the medical school after September 25, 1980 and has provided evidence of having obtained a satisfactory score on the Medical Sciences Knowledge Profile examination taken prior to July 1, 1985, a passing score on Part I of the Foreign Medical Graduate Examination in the Medical Sciences (FMGEMS), or an acceptable score on a satisfactory equivalent examination, provided that the program in the medical school attended has been determined by the department, after a site visit conducted at the expense of the applicant by persons designated by the department and expe-

rienced in medical program evaluation, to meet substantially the requirements of section 60.1 (a) (1) of this Part and of Parts 50 and 52 of this Subchapter except any provision thereof that states or implies that a particular form of governing body is required, and provided further that formal agreements satisfactory to the department have been executed between the medical school and the hospital(s) in which students from the school are to be engaged in clinical clerkships, which specify responsibility for planning, managing and supervising clerkships in each subject area, and further that the department shall be notified by the medical school of any changes in such agreements including termination or the initiation of new agreements; or

(4) the student was enrolled in the medical school after September 25, 1980 but before May 1, 1981 and has provided evidence of having obtained a satisfactory score on the Medical Sciences Knowledge Profile examination taken prior to July 1, 1985, a passing score on Part I of the Foreign Medical Graduate Examination in the Medical Sciences (FMGEMS), or an acceptable score on a satisfactory equivalent examination, and the medical school in which he is enrolled has submitted a formal application for approval pursuant to paragraph (3) of this subdivision.

(5) The satisfactory score specified in paragraphs (2), (3), and (4) of this subdivision shall be a score comparable to the performance on Part I of the National Board of Medical Examiners examination of students who attend medical schools registered by the department or accredited by an accrediting organization acceptable to the department.

(d) A clinical clerkship may be performed only in a clinical subject or subjects in which the teaching hospital has a residency program accredited by the Accreditation Council on Graduate Medical Education, or an equivalent accrediting agency acceptable to the department, or which is part of such a program through affiliation(s) approved by the Accreditation Council on Graduate Medical Education, or an equivalent agency acceptable to the department. The requirements of this subdivision shall not apply to students who were engaged in clinical clerkships in this State prior to May 1, 1981. To engage in a clerkship which, in the aggregate of all clerkship experience during two academic years, will not exceed 12 weeks the student shall present a letter of eligibility issued by the department.

(e) No teaching hospital shall be under obligation by virtue of these regulations to accept medical students in clinical clerkships, and any medical school or teaching hospital may impose standards for admission to clinical clerkships which exceed the standard set forth in this section.

60.3 Experience. (a) For issuance of a license to practice medicine, all applicants who make application for licensure after July 1, 1985 shall have completed at least one year of postgraduate hospital training acceptable to the department, except as otherwise provided in subdivision (b) of this section.

(b) For issuance of a license to practice medicine, graduates of medical education programs neither registered by the department nor accredited by an accrediting organization acceptable to the department, except those applicants seeking licensure pursuant to section 6528 of the Education Law, shall meet the following requirements:

(1) those individuals who complete medical education and make application for licensure to the department prior to July 1, 1981, shall have completed two years of postgraduate hospital training satisfactory to the department, provided that graduates of schools designated by the department shall be exempted from the second year of required hospital training;

(2) those individuals who make application for licensure on or after July 1, 1981, shall have completed at least three years of postgraduate training approved by the Accreditation Council on Graduate Medical Education or the American Osteopathic Association or their predecessors or successors.

(c) A year of postgraduate training shall mean a period of not less than the equivalent of 11 calendar months of full-time experience after passing an acceptable proficiency examination. A graduate entering the licensing examination pursuant to this section may sit for the examination following completion of undergraduate medical education but prior to entry into the required postgraduate training.

(d) Fellowships in the United States or Canada which are clinical in nature or postgraduate hospital training obtained in a country in which such training is regu-

lated by an organization designated as responsible for quality assurance that has been approved by the Board of Regents, may be accepted by the Committee on the Professions toward meeting the postgraduate training requirement. Fellowships determined to be other than clinical may be accepted on a pro rata basis at the discretion of the Committee on the Professions, and a diplomate certificate satisfactory to the department and earned by examination may be accepted for one year of the required postgraduate hospital training.

60.4 Licensing examinations. (a) An applicant who is a graduate of a medical school may fulfill the examination requirements for licensure by submitting evidence of having achieved grades acceptable to the State Board for Medicine on:

(1) all parts of the three part Federation Licensing Examination (FLEX); or

(2) both Component I and Component II of the two component Federation Licensing Examination (FLEX); or

(3) all parts of the examination of the National Board of Medical Examiners, Inc.; or

(4) all parts of the examination of the National Board of Examiners for Osteopathic Physicians and Surgeons given after January 1, 1972; or

(5) examinations of other states given prior to January 1, 1972, which are satisfactory to the State Board for Medicine.

(b) A graduate of a registered or accredited college of osteopathic medicine who has obtained grades on Parts I and II of the examination of the National Board of Examiners for Osteopathic Physicians and Surgeons which meet New York State standards for licensure but who, after completing nonosteopathic postgraduate training is refused admission to Part III of that examination by the National Board of Examiners for Osteopathic Physicians and Surgeons, may satisfy the licensing examination requirement in this State by obtaining grades satisfactory to the State Board for Medicine on the clinical competence portion of a Federation Licensing Examination.

(c) Passing score. (1) The passing score in any group of basic science, clinical science or clinical competence subjects of the three part Federation Licensing Examination shall be 75.0, provided that in the computation of final average score additional weight may be assigned to the clinical subjects. A final weighted average score of 75.0 shall be required for passing. In the event the candidate does not achieve a final weighted average score of 75.0, a reexamination shall be required, provided that credit may be retained for each group of the examination passed with a score of 75.0 or above.

(2) The passing score on FLEX Component I and Component II shall be 75.0 in each component.

(d) A completed application for initial admission to the licensing examination and all supporting documents shall be filed with the department not less than 120 days prior to the date of the examination. An application for admission to subsequent examinations shall be filed with the department not less than 90 days prior to the date of the examination.

60.5 License by endorsement. (a) Endorsement of foreign licenses. A medical license or registration certificate granted in a foreign country in which licensure or registration is regulated by an organization designated as responsible for quality assurance of licensees and acceptable to the Board of Regents, may be accepted by the department for licensure in New York State if the applicant:

(1) is eligible for admission to the medical licensing examination;

(2) has acceptable grades on a clinical competency examination acceptable to the department;

(3) is in possession of the appropriate medical license or certificate from that country;

(4) presents evidence satisfactory to the department of completion of the postgraduate training required by section 60.3 of this Part; and

(5) has not less than five years of satisfactory professional experience or practice following licensure or registration.

(b) Endorsement of licenses of other states.

(1) A medical license issued by another state or political subdivision of the United States may be endorsed by the department for practice in New York if the applicant:

(i) is eligible for admission to the New York State medical licensing examination;

(ii) has achieved grades on a medical licensing examination which meet New York State standards for licensure as provided in section 60.4 of this Part; and

(iii) has completed not less than two years of satisfactory professional experience.

(2) The department may license an applicant who:

(i) has been licensed to practice medicine in another jurisdiction of the United States or its territories as a result of an examination the scope and content of which are found by the State Board for Medicine to be equivalent to the licensing examination in New York State;

(ii) has achieved a grade on such examination which is acceptable for licensure in such state or territory and which is not more than one percentage point below the weighted average required for licensure in New York;

(iii) submits satisfactory evidence of at least seven years of experience, following licensure; and

(iv) meets all other requirements for licensure in New York State.

60.6 Limited permits. For renewal of a limited permit in medicine the department may accept satisfactory evidence of personal or family illness or extenuating circumstances preventing the candidate from taking the licensing examination, or satisfactory performance on a significant part of the New York State licensing examination in medicine, provided that such permit shall not be renewed for more than 24 months.

60.7 Definitions relating to limited permits and persons exempt from licensure. (a) The words "hospital," as used in subdivision 2 of section 6525, and "public hospital," as used in subdivision 1 of section 6526 of the Education Law, shall be construed to include a general hospital as defined by Public Health Law section 2801 (10), a psychiatric center operated by the State Office of Mental Health, a developmental center operated by the State Office of Mental Retardation and Developmental Disabilities, or an alcohol treatment center operated by the State Division of Alcoholism and Alcohol Abuse, a nursing home, or an incorporated non-profit home or institution for the care of the chronically ill approved by the State Department of Health.

(b) The word "resident" as used in subdivision 1 of section 6526 of the Education Law shall be construed to include interns, employed in a public hospital, who are graduates of medical schools located outside the United States and Canada and who hold the standard certificate of the Educational Council for Foreign Medical Graduates.

60.8 Registration of physician's assistants or specialist's assistants. (a) General requirements. An applicant for registration as a physician's assistant or specialist's assistant shall submit the required application form to the department and shall have met the requirements of section 6541 of the Education Law.

(b) Professional study.

(1) An applicant who has completed a program for the training of physician's assistants or specialist's assistants, which has been approved by the department, shall be eligible for registration.

(2) An applicant who has completed a program for the training of physician's assistants or specialist's assistants outside New York State shall be eligible for registration if the applicant meets the requirements of section 6541 of the Education Law and the program is determined by the department to be substantially equivalent to programs registered in New York State.

(c) Equivalent education and training. In lieu of all or part of a registered program for the training of physician's assistants or specialist's assistants, the commissioner may accept evidence of an extensive health oriented education and of appropriate experience and training. The commissioner may require such an applicant to pass a proficiency examination and to make up any deficiencies in education or experience prior to registration. Scores satisfactory to the department on the National Certifying Examination for Assistants to the Primary Care Physician prepared by the National Board of Medical Examiners, may be accepted as satisfying the proficiency examination requirment for physician's assistants.

(d) Registration designations. Registration as a specialist's assistant shall be for a particular field of practice as defined by the Commissioner of Health pursuant to section 3701 of the Public Health Law.

60.9 Acupuncture.

(a) To practice acupuncture in New York State, a person shall possess one of the following credentials:

(1) a license to practice acupuncture issued pursuant to Chapter 959 of the Laws of 1974, as amended, and the requirements of paragraph (l) of subdivision (b) of this section; or

(2) a license to practice medicine or dentistry and a certificate to practice acupuncture issued pursuant to paragraph (2) of subdivision (b) of this section; or

(3) a registration as a specialist's assistant – acupuncture, pursuant to Education Law section 6541 and the requirements of paragraph (3) of subdivision (b) of this section.

(b) Qualifications for practice. For an authorization to practice acupuncture an applicant shall meet the following requirements:

(1) For a license to practice acupuncture, the applicant shall:

(i) file an application on a form provided by the department. All documents shall be in English or accompanied by an acceptable English language translation;

(ii) have a license to practice acupuncture which is acceptable to the State Board for Medicine as a doctor of acupuncture, herb physician, or doctor of traditional Chinese medicine duly issued by the licensing board of any state or foreign country. In judging the acceptability of licenses, the criteria, requirements and administration of the applicable licensing procedures will be evaluated. Licenses which represent levels of competence and skill in the practice of acupuncture and which represent the substantial equivalent to those standards required for the licensing of professions in New York State will be accepted;

(iii) submit satisfactory evidence of having practiced acupuncture for at least ten years;

(iv) meet the English proficiency requirement of section 59.3 of these regulations;

(v) be of good moral character as determined by the department;

(vi) pay the fees specified in section 59.9 (e) of this Subchapter.

(2) For a certificate to practice acupuncture, the applicant shall:

(i) possess a license to practice medicine or dentistry;

(ii) have completed at least 200 hours of instruction in programs in acupuncture registered by the department, or in programs determined by the department to be the equivalent of registered programs, and at least 100 hours of supervised experience acceptable to the department. Instruction shall consist of:

(a) at least 100 hours of instruction and clinical demonstrations in general and basic aspects of acupuncture; and

(b) at least 100 hours of sequential specialized instruction in specific uses and techniques of acupuncture. Topics of instruction shall include indications and contraindications for acupuncture administration, techniques for locating acupuncture points, needling and stimulating techniques, and trainee participation in administration of acupuncture in clinical demonstrations; and

(c) at least 100 hours of supervised experience acceptable to the department and under the supervision of a currently registered physician or dentist certified in acupuncture;

(iii) pay the fees specified in section 59.9 (e) of this Subchapter.

(3) For registration as a specialist's assistant-acupuncture, the applicant shall:

(i) satisfy the education and training requirements set forth in subparagraph (ii) of paragraph (2) of this subdivision;

(ii) have graduated from a school of medicine or a school of traditional oriental medicine, herb medicine or acupuncture acceptable to the department;

(iii) have at least five years of experience in the use of acupuncture;

(iv) pay the fees specified in section 6541 of the Education Law.

(4) Examination requirement. The department, in its discretion, may require the passing of an examination in acupuncture as an addi-

tional qualification of any applicant for certification or registration who is unable to submit satisfactory evidence of the education and training requirements set forth in subparagraph (ii) of paragraph 2 of this subdivision, but who meets all other requirements for an authorization to practice acupuncture.

(c) Supervision of practice of acupuncture.

(1) The practice of acupuncture shall be subject to the provisions and procedures of Article 130 of the Education Law and Title II-A of Article 2 of the Public Health Law.

(2) The State Board for Medicine shall serve as the State Board with jurisdiction over the practice of acupuncture.

(3) A physician, dentist, or specialist's assistant authorized to practice acupuncture pursuant to paragraph (2) or (3) of subdivision (a) of this section may do so only within a research protocol approved by the department and only to patients who have previously consented in writing to the use of acupuncture, and to the use of the records of such treatment by the institution, physician, dentist or acupuncturist conducting the research and by the department or its agent, for purposes of compilation and evaluation of the effects of such treatment. Research protocols shall be submitted to the department for approval prior to commencement together with the written initial approval of the institutional review committee. No research program using acupuncture as a modality may operate without such approval.

(4) A specialist's assistant authorized to practice acupuncture pursuant to paragraph (3) of subdivision (a) of this section may practice only in an approved institutional setting and only under the supervision of a physician or dentist certified to practice acupuncture. An approved institutional setting shall include a school of medicine or dentistry offering a program of professional instruction registered by the department and a general hospital or other health or research facility licensed pursuant to the Public Health Law or the Mental Hygiene Law and conducting a research protocol, approved pursuant to subdivision (d) of this section, on the use of acupuncture.

(d) Research protocols.

(1) Applications for the approval by the department of research protocols in acupuncture shall be submitted in triplicate to the State Board for Medicine or State Board for Dentistry as appropriate.

(2) Complete medical and dental records shall be maintained of all treatments performed during the conduct of a research protocol, including statistical compilations of the number of patients, number of acupuncture treatments, and apparent efficacy of such treatments both for the alleviation of pain and for the treatment of any other condition, disease or ailment. Such records shall be maintained for a period of ten years, and shall be available upon request to representatives of the department or of the Department of Health responsible for the supervision or evaluation of the use of acupuncture.

(3) Not later than three years after the initiation of a research protocol, the sponsors thereof shall report to the department and submit to the State Board for Medicine an analytical report on the conduct of the protocol, the apparent success or failure of acupuncture treatments for the various purposes for which they are administered, and the tentative conclusions drawn by the sponsors from the research.

# PART 17
# DISCIPLINARY PROCEEDINGS IN THE PROFESSIONS


Section 17.1 Complaints or other information
17.2 Investigation
17.3 Prosecution or settlement of disciplinary proceedings
17.4 Reports
17.5 Consent orders
17.6 Surrender of license
17.7 Violation of probation
17.8 Hearing panel; administrative officers
17.9 Summary suspensions


**Section 17.1 Complaints or other information.** All complaints or other information relating to licensees authorized to practice a profession under title VIII of the Education Law shall be referred to the executive director of the Office of Professional Discipline.

**17.2 Investigation.** The executive director of the Office of Professional Discipline or that officer's designee shall, in matters involving possible professional misconduct, initiate an investigation of each such complaint or other information.

**17.3 Prosecution or settlement of disciplinary proceedings.** Prosecution or settlement of disciplinary proceedings shall be conducted as provided in title VIII of the Education Law, and as provided in this Part.

**17.4 Reports.** The executive director of the Office of Professional Discipline or that officer's designee shall submit a report by April first of each year on the status of cases investigated during the previous year, as well as on the disposition of any criminal or civil matters processed through the office, to the chairman of the State Board for each of the professions supervised by the Board of Regents.

**17.5 Consent orders.** Disciplinary proceedings conducted pursuant to the provisions of title VIII of the Education Law may be disposed of in accordance with the following procedure:

(a) A licensee who is under investigation, or against whom charges have been voted, who admits guilt to at least one of the acts of misconduct alleged or charged, in full satisfaction of all allegations or charges, or who does not contest the allegations or charges or who cannot successfully defend against at least one of the acts of misconduct alleged or charged, shall notify the executive director of the Office of Professional Discipline or the director's designee.

(b) If the executive director of the Office of Professional Discipline or the director's designee, a designated member of the State Board for the applicable profession, and the licensee agree to a statement by the licensee admitting guilt to one or more of the allegations or charges or setting forth a decision not to contest the allegations or charges or stating that the licensee cannot successfully defend against such allegations or charges and agreeing to a proposed penalty, and if a designated member of the Board of Regents thereafter agrees to such statement and proposed penalty, a written application, signed by all the above, shall be submitted by the licensee to the Board of Regents based upon the statement and proposed penalty consenting to the issuance of an order of the Commissioner of Education effectuating such penalty. The provisions of this section shall also apply to licensees and registrants subject to section 230 of the Public Health Law and to article 137 of the Education Law. With respect to licensees subject to section 230 of the Public Health Law, the agreement of the director of the Office of Professional Medical Conduct or that officer's designee, and of the Commissioner of Health or his or her designee, to the statement and proposed penalty and their signatures on the application shall be required in lieu of the agreement and signature of the executive director, Office of Professional Discipline. With respect to licensees subject to the provisions of section 230 of the Public Health Law, the term State Board as used in this section means the State Board for Professional Medical Conduct. With respect to licensees and registrants subject to article 137 of the Education Law, the agreement of the executive secretary of the State Board of Pharmacy to the statement and proposed penalty and his or her signature on the application shall also be required.

(c) The application shall be in such form and shall contain such substance as is acceptable to the executive director of the Office of Professional Discipline or the director's designee.

(d) In the event an application is not granted by the Board of Regents, nothing contained therein shall be binding upon the licensee or construed to be an admission of any act of misconduct alleged or charged, and such application shall not be used against the licensee in any way. Any such application shall be kept in strict confidence during the pendency of the disciplinary proceeding. In addition, such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination

by the Board of Regents pursuant to the provisions of the Education Law.

(e) In the event the Board of Regents grants the application, the Commissioner of Education shall issue an order in accordance therewith.

**17.6 Surrender of license.** Disciplinary proceedings conducted pursuant to the provisions of title VIII of the Education Law may be disposed of in accordance with the following procedure:

(a) A licensee who is under investigation or against whom charges have been voted, who wishes to surrender his or her license to practice any of the professions enumerated in title VIII, shall notify the executive director of the Office of Professional Discipline or that officer's designee.

(b) An application to surrender a license shall be based upon a statement that the licensee admits guilt to at least one of the acts of misconduct alleged or charged, in full satisfaction of all allegations or charges, or does not contest the allegations or charges, or cannot successfully defend against at least one of the acts of misconduct alleged or charged. If the executive director or the director designee, a designated member of the State Board for the applicable profession, and the licensee agree to such statement, and if a designated member of the Board of Regents thereafter agrees to such statement, a written application, signed by the licensee, shall be submitted to the Board of Regents. The application shall be in such form and shall contain such substance as is acceptable to the executive director of the Office of Professional Discipline or the director's designee. The provisions of this section shall also apply to licensees and registrants subject to section 230 of the Public Health Law and to article 137 of the Education Law. With respect to licensees subject to section 230 of the Public Health Law, the agreement of the director of the Office of Professional Medical Conduct or that officer's designee and the Commissioner of Health or his or her designee to the statement, and their signature on the application, shall be required in lieu of the agreement and signature of the executive director of the Office of Professional Discipline. With respect to licensees subject to the provisions of section 230 of the Public Health Law, the term State Board as used in this section means the State Board for Professional Medical Conduct. With respect to licensees and registrants subject to article 137 of the Education Law, the agreement of the executive secretary of the State Board of Pharmacy to the statement and his or her signature on the application shall also be required.

(c) In the event the application is not granted by the Board of Regents, nothing contained therein shall be binding upon the licensee or construed to be an admission of any act of misconduct alleged or charged, and such application shall not be used against the licensee in any way. The application shall be kept in strict confidence during the pendency of the disciplinary proceeding. In addition, any such denial by the Board of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

(d) In the event the Board of Regents grants the application, the Commissioner of Education shall issue an order in accordance therewith. The order shall include a provision that the licensee may not apply for the restoration of the license affected by the granted application until at least one year has elapsed from the effective date of such order.

**17.7 Violation of probation.** (a) Upon the receipt of information indicating that the respondent may be in violation of any of the terms or conditions of respondent's probation, the department shall conduct an investigation.

(b) The executive director of the Office of Professional Discipline shall review the results of the investigation and if the executive director determines that a violation of probation proceeding is warranted, the executive director shall give notice to the respondent, by letter, of the facts forming the basis of the alleged violation of respondent's probation. The respondent, in said letter, shall be requested to indicate whether there is any dispute as to the facts, and shall be informed that if respondent disputes any of the facts the respondent shall be entitled to a hearing thereon.

(c) If the respondent does not dispute the facts forming the basis of the alleged violation of probation, the matter shall be submitted to the Regents Review Comittee for its review and recommendation(s) as to whether, based upon the undisputed facts, there has been a violation of the terms or conditions of respondent's probation and, if so, as to the measure of discipline to be imposed upon the respondent.

(d) If the respondent disputes any of the facts forming the basis of the alleged violation of probation, the respondent shall be afforded a hearing before a hearing officer appointed by the commissioner to hear and make findings of fact, conclusions of law and recommendation(s). The department shall give the respondent at

least 10 days' notice of the hearing, 15 if by mail. The evidence in support of the application shall be presented by counsel on behalf of the department and the respondent shall also have the right to be represented by counsel. The department and the respondent have the right to produce witnesses and other evidence; to cross-examine witnesses, and to examine any other evidence produced at the hearing. A stenographic record of the hearing will be made, and the hearing officer shall not be bound by the rules of evidence, but the findings of fact and conclusions of law of the hearing officer shall be based upon substantial evidence.

(e) The report of the hearing officer shall be reviewed by the Regents Review Committee.

(f) The Regents Review Committee shall notify the respondent, at least seven days before its meeting, of the time and place of such meeting, and shall also notify the respondent of the opportunity to appear in person and to be represented by counsel at such meeting.

(g) The Regents Review Committee shall transmit the report of the hearing officer and a written report of its review to the Board of Regents. The final determination shall be made by the Board of Regents, and the commissioner shall issue an order implementing such determination.

(h) The measure of discipline to be imposed for any violation of probation may be to continue the respondent on probation for a period in addition to the period of probation imposed in the original order, or to terminate the probation, vacate the stay of execution, and impose any measure of discipline authorized by section 6511 of the Education Law. A violation of probation shall constitute unprofessional conduct, and may constitute the basis for proceedings under either the provisions of section 6510 of the Education Law or of this Part.

**17.8 Hearing panel; administrative officers.** Findings of fact, recommendations as to penalties to be imposed, and any other actions taken by a hearing panel in disciplinary proceedings, except as hereinafter set forth, shall be made by majority vote. Any determination of guilt shall require a minimum of a four fifths vote of the hearing panel. An administrative officer, admitted to practice as an attorney in the State of New York, shall rule on all motions, procedures and other legal objections, and draft a report which shall reflect the determination and recommendation of the panel and be subject to the approval of and signature by the panel chairperson on behalf of the panel. The administrative officer shall not be entitled to a vote.

**17.9 Summary suspensions.** (a) If the executive director of the Office of Professional Discipline or that officer's designee believes that the public health, safety or welfare imperatively requires emergency action against a professional license, certificate, registration, permit or other authorization of the licensee to practice under title VIII of the Education Law, the executive director or the director's designee may make an application, on behalf of the department, to the Board of Regents for the summary suspension of said authorization pending the prompt institution prosecution and completion of formal disciplinary proceedings as provided under section 6510 of the Education Law.

(b) Summary suspension proceedings shall be commenced by the service on the licensee of a notice of hearing and a verified petition. The notice of hearing shall state the time and place or oral argument on the application for summary suspension and the regent designated by the chancellor to hear the matter, and shall include a copy of this rule. The notice of hearing and petition shall be personally served upon the licensee no later than five days prior to the date set for oral argument. If personal service cannot be made after due diligence, the notice of hearing and petition may be served by certified mail, to the licensee's last known address, not less than eight days prior to the date set for oral argument. The petition shall set forth the basis for the application and shall include sworn statements upon personal knowledge and/or exhibits demonstrating probable cause to believe that respondent has committed professional misconduct and that the public health, safety or welfare imperatively requires emergency action to summarily suspend respondent's license. A verified answer and any sworn statements and supporting exhibits may be served by respondent upon the executive director of the Office of Professional Discipline or that officer's designee no later than two days prior to the date set for oral argument. The executive director or designee may serve a verified reply, together with any sworn statement and supporting exhibits, to the answer no later than the day prior to the date of oral argument. The answer and/or reply may be served by certified mail by mailing to the addressee no later than three and two days, respectively, prior to the date set for oral argument. The petition, answer and reply, together with any sworn statement and supporting exhibits, shall be transmitted at the time of service of each paper to the regent designated to hear the case. Saturdays, Sundays and legal holidays shall be excluded in calculating the periods of time set forth in this subdivision.

(c) At the oral argument, the Office of Professional Discipline and respondent and/or his or her attorney

shall have the right to be heard, but no testimony shall be taken and no transcript of oral arguments shall be required. No further papers shall be submitted at the oral argument except by permission of the regent designated to conduct the proceeding.

(d) The regent designated by the chancellor to conduct the proceeding shall submit a written report of his or her conclusions and recommendation(s) to the Board of Regents, which shall determine whether to grant or deny the application for summary suspension. A determination by the Board of Regents granting the application must be based upon a finding that the public health, safety or welfare imperatively requires emergency action.

(e) Any determination of the Board of Regents shall be without prejudice to the department or licensee in any subsequent formal disciplinary proceeding.

# PART 24
# PROFESSIONAL LICENSING


Section 24.1 Committee on the Professions; procedures
24.2 Preprofessional qualifications
24.3 Professional qualifications
24.4 Admission to a licensing examination
24.5 Indorsement of a professional license
24.6-24.7 (Reserved)
24.8 Determination of good moral character


**Section 24.1 Committee on the Professions; procedures.** (a) The Committee on the Professions heretofore established by the Board of Regents, consisting of three department officers appointed by the Board of Regents, is continued and is hereby designated by the Board of Regents pursuant to chapter 130 of the Laws of 1969 to act on professional licensing applications in accordance with this Part.

(b) An applicant may apply to the Committee on Professions for reconsideration of its action. Upon such reconsideration the committee may modify its determination and shall notify the applicant of such determination. If upon reconsideration the Committee on Professions does not modify its action, the application shall be submitted to the Board of Regents for final determination.

(c) Petitions for the restoration or reinstatement of a professional license or certificate after review by the Committee on the Professions shall be submitted to the Board of Regents for determination. Such petitions shall be submitted in six copies, the original being signed and verified, and shall contain a concise statement of the circumstances leading to the loss of license or certificate, the petitioner's activities since such loss, and the steps taken toward rehabilitation. Five letters of reference in six copies each, the original being signed and verified, shall be submitted from individuals who have knowledge of the loss of license or certificate and the petitioner's subsequent activities. At least one year shall have elapsed from the date of service of the order of revocation or annulment, or the denial of restoration or reinstatement by vote of the Board of Regents, for the acceptance by the department of a petition to the Board of Regents, for the acceptance by the department of a petition to the Board of Regents for restoration or reinstatement of a license or certificate.

**24.2 Preprofessional qualifications.** In lieu of the removal of preprofessional deficiencies in individual subjects up to a maximum of six semester hours, the Committee on the Professions may accept graduation from a professional program which is either registered by the department or nationally accredited.

**24.3 Professional qualifications.** As the equivalent of a professional program registered by the department, the Committee on the Professions may accept a professional program which is:

(a) nationally accredited; or

(b) certified by an institution offering a program registered by the department to be the substantial equivalent of the registered program; or

(c) certified by an institution offering a nationally accredited program to be the substantial equivalent of the nationally accredited program.

**24.4 Admission to a licensing examination.** For the admission of a foreign veterinary graduate to the licensing examination in veterinary medicine, the Committee on the Professions shall require completion of not less than the equivalent of six academic years of combined preprofessional and professional study and a doctoral degree from a veterinary school whose program meets standards satisfactory to the department and the Board of Veterinary Examiners.

**24.5 Indorsement of a professional license.** For full or partial indorsement of a license or certificate, the Committee on the Professions shall require eligibility for admission to the licensing examination, satisfactory performance on a licensing examination acceptable in whole or part to the appropriate board of examiners, not less than five years of professional experience or practice satisfactory to such board, and the passing of such subjects, if any, of the New York State licensing examination which are considered necessary by such board to meet its standards, provided that a lesser period of professional experience or practice, or no professional expe-

rience or practice, shall be required where consistent wich such requirements contained in the article of the Education Law relating to a particular profession.

**24.8 Determination of good moral character.** An applicant for authorization to practice a profession under title VIII of the Education Law may appeal to the Committee on the Professions for a review of an adverse determination, after a hearing, of a panel of the applicable professional State board in accordance with the provisions of Part 28 of this Chapter. The provisions of subdivision (b) of section 24.1 of this Part shall not apply to any determination rendered by the Committee on the Professions under Part 28 of this Chapter, and such determination under Part 28 shall be final.

# PART 28
# DETERMINATION OF GOOD MORAL CHARACTER IN THE PROFESSIONS


Section 28.1 Determination of good moral character
28.2 Information
28.3 Investigation
28.4 Review
28.5 Hearing
28.6 Appeal
28.7 Reapplication


**Section 28.1 Determination of good moral character.** The determination of whether an applicant for authorization to practice a profession, under title VIII of the Education Law, is of good moral character shall be made in accordance with the procedures specified in this Part.

**28.2 Information.** All information indicating that an applicant has been convicted of a crime, or has committed an act which raises a reasonable question as to the applicant's moral character, shall be referred to the executive director of the Office of Professional Discipline or his or her designee.

**28.3 Investigation.** The executive director of the Office of Professional Discipline, or his or her designee, shall arrange for a full and complete investigation of the circumstances surrounding such conviction or act. If it is determined that a reasonable question exists as to the applicant's moral character, then the executive director, or his or her designee, shall submit the results of the investigation, including any letters of reference from peers or others which may have been submitted by the applicant, to a panel of the appropriate professional State Board for its review. The panel shall consist of three or more members of the State Board.

**28.4 Review.** Upon such review, the panel, by majority vote, may conclude in favor of the applicant to the effect that the moral character of the applicant is adequate for licensure, thereby fulfilling that licensure requirement, and the applicant and the director of the Division of Professional Licensing Services shall be notified of such conclusion by the Office of Professional Discipline. If, upon such review, the panel concludes, by a majority vote, that a substantial question exists as to the moral character of the applicant, the applicant shall be notified thereof. Upon the written request of the applicant, within 30 days after receipt of such notice, the department shall schedule a hearing on such question.

**28.5 Hearing.** The applicant shall be given 15 days' notice, by mail, of the time and place of the hearing and a statement of the matters asserted which raised the question of the applicant's moral character. The applicant may be represented at the hearing by an attorney, may cross-examine witnesses, may produce witnesses, and may present evidence in support of the applicant's good moral character. The hearing, at which a verbatim record shall be taken, shall take place before a panel consisting of three or more members of the appropriate professional State Board, and before an administrative officer admitted to practice as an attorney in the State of New York, designated by the department. Such administrative officer shall have authority to rule on all motions, procedures and other legal objections, but shall not be entitled to vote in the determination of the panel. The determination of the panel shall be made by a majority vote of the panel and shall be rendered in a written report which shall be drafted by the administrative officer, shall reflect the determination and recommendations of the panel, and shall be subject to the approval of and signature by the panel chairperson on behalf of the panel. Copies of the report shall be forwarded to the director of the Division of Professional Licensing Services and to the applicant.

**28.6 Appeal.** The applicant or the executive director of the Office of Professional Discipline may appeal the determination of the panel concerning the licensure requirement of good moral character by filing a written notice of appeal therefrom with the Committee on the Professions within 30 days after service of the report of the panel upon the party taking the appeal. In the event no appeal is taken from the determination of the panel, the determination of the panel shall be final. In the event either party appeals from the determination of the panel, the appellant may submit a brief to the Committee on the Professions and the opposing party within 30 days after filing the notice of appeal. An answering brief may be filed by the opposing party with the Committee on the Professions within 20 days after the receipt by the opposing party of the brief submitted by the appellant.

The Committee on the Professions may affirm, reverse or modify the determination of the panel and/or make such other determination as it may deem just and proper under the circumstances. The determination of the Committee on the Professions shall be final and copies thereof shall be forwarded to the applicant and to the executive director of the Office of Professional Discipline.

**28.7 Reapplication.** Whether or not the applicant appeals from the determination of the panel, the applicant may reapply for licensure to the director of the Division of Professional Licensing Services after the expiration of 18 months from the date of service of the report of the panel.

# RULES OF THE BOARD OF REGENTS ON UNPROFESSIONAL CONDUCT

## Section 29.1

## GENERAL PROVISIONS FOR ALL PROFESSIONS

(a) Unprofessional conduct shall be the conduct prohibited by this section. The provisions of these rules applicable to a particular profession may define additional acts or omissions as unprofessional conduct and may establish exceptions to these general prohibitions.

(b) Unprofessional conduct in the practice of any profession licensed or certified pursuant to title VIII of the Education Law shall include:

(1) willful or grossly negligent failure to comply with substantial provisions of Federal, State or local laws, rules or regulations governing the practice of the profession;

(2) exercising undue influence on the patient or client, including the promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party;

(3) directly or indirectly offering, giving, soliciting, or receiving or agreeing to receive, any fee or other consideration to or from a third party for the referral of a patient or client or in connection with the performance of professional services;

(4) permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice the same profession, or a legally authorized trainee practicing under the supervision of a licensed practitioner. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services used by a professional licensee constitutes a percentage of, or is otherwise dependent upon, the income or receipts of the licensee from such practice, except as otherwise provided by law with respect to a facility licensed pursuant to article 28 of the Public Health Law or article 13 of the Mental Hygiene Law;

(5) conduct in the practice of a profession which evidences moral unfitness to practice the profession;

(6) willfully making or filing a false report, or failing to file a report required by law or by the Education Department, or willfully impeding or obstructing such filing, or inducing another person to do so;

(7) failing to make available to a patient or client, upon request, copies of documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client;

(8) revealing of personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law;

(9) practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform, or performing without adequate supervision professional services which the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;

(10) delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know

that such person is not qualified, by training, by experience or by licensure, to perform them;

(11) performing professional services which have not been duly authorized by the patient or client or his or her legal representative;

(12) advertising or soliciting for patronage that is not in the public interest:

(i) Advertising or soliciting not in the public interest shall include but not be limited to advertising or soliciting that:

(a) is false, fraudulent, deceptive, misleading, sensational or flamboyant;

b) represents intimidation or undue pressure;

c) uses testimonials;

d) guarantees any service;

(e) makes any claim relating to professional services or products or the cost or price therefor which cannot be substantiated by the licensee, who shall have the burden of proof;

(f) makes claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof; or

(g) offers bonuses or inducements in any form other than a discount or reduction in an established fee or price for a professional service or product;

(ii) The following shall be deemed appropriate means of informing the public of the availability of professional services:

(a) informational advertising not contrary to the foregoing prohibitions; and

(b) the advertising in a newspaper, periodical or professional directory or on radio or television of fixed prices, or a stated range of prices, for specified routine professional services, provided that if there is an additional charge for related services which are an integral part of the overall service being provided by the licensee and the advertisement shall so state, and provided further that the advertisement indicates the period of time for which the advertised prices shall be in effect;

(iii) (a) all licensees placing advertisements shall maintain, or cause to be maintained, an exact copy of each advertisement, transcript, tape or videotape thereof as appropriate for the medium used, for a period of one year after its last appearance. This copy shall be made available for inspection upon demand of the Education Department or in the case of physicians, physician's and specialist's assistants, the Department of Health;

(b) a licensee shall not compensate or give anything of value to representatives of the press, radio, television or other communications media in anticipation of or in return for professional publicity in a news item;

(iv) No demonstrations, dramatizations or other portrayals of professional practice shall be permitted in advertising on radio or television;

(13) failing to respond within 30 days to written communications from the Education Department or the Department of Health and to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct. The period of 30 days shall commence on the date when such communication was delivered personally to the licensee. If the communication is sent from either department by registered or certified mail, with return receipt requested, to the address appearing in the last registration, the period of 30 days shall commence on the date of delivery to the licensee, as indicated by the return receipt;

(14) violating any term of probation or condition or limitation imposed on the licensee by the Board of Regents pursuant to Education Law section 6511.

## Section 29.2

## GENERAL PROVISIONS FOR HEALTH PROFESSIONS

(a) Unprofessional conduct shall also include, in the professions of:

| | |
|---|---|
| medicine | ophthalmic dispensing |
| acupuncture | psychology |
| physical therapy | social work |
| physician's assistant | massage |
| specialist's assistant | occupational therapy |
| chiropractic | speech-language pathology |
| dentistry | audiology |
| dental hygiene | nursing |
| pharmacy | (registered professional |
| podiatry | nurse, licensed |
| optometry | practical nurse): |

(1) abandoning or neglecting a patient or client under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a professional employment by a group practice, hospital, clinic or other health care facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care to patients or clients;

(2) willfully harassing, abusing or intimidating a patient either physically or verbally;

(3) failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient. Unless otherwise provided by law, all patient records must be retained for at least six years. Obstetrical records and records of minor patients must be retained for at least six years, and until one year after the minor patient reaches the age of 21 years;

(4) using the word "Doctor" in offering to perform professional services without also indicating the profession in which the licensee holds a doctorate;

(5) failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed professional;

(6) upon a patient's written request, failing to make available to a patient, or, to another licensed health practitioner consistent with that practitioner's authorized scope of practice, copies of the record required by paragraph (3) of this subdivision and copies of reports, test records, evaluations or X-rays relating to the patient which are in possession or under the control of the licensee, or failing to complete forms or reports required for the reimbursement of a patient by a third party. Reasonable fees may be charged for such copies, forms or reports, but prior payment for the professional services to which such records relate may not be required as a condition for making such records available. A practitioner may, however, withhold information from a patient if, in the reasonable exercise of his or her professional judgment, he or she believes release of such information would adversely affect the patient's health, and this section shall not require release, to the parent or guardian of a minor, of records or information relating to venereal disease or abortion except with the minor's consent. This provision shall apply in lieu of section 29.1(b)(7) of this Part;

(7) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(8) ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient;

(9) claiming or using any secret or special method of treatment which the licensee refuses to divulge to the State Board for the profession;

(10) failing to wear an identifying badge, which shall be conspicuously displayed and legible, indicating the practitioner's name and professional title authorized pursuant to the Education Law, while practicing as an employee or operator of a hospital, clinic, group practice or multiprofessional facility, or at a commercial establishment offering health services to the public;

(11) entering into an arrangement or agreement with a pharmacy for the compounding and/or dispensing of coded or specially marked prescriptions;

(12) with respect to all professional practices conducted under an assumed name, other than facilities licensed pursuant to article 28 of the Public Health Law or article 13 of the Mental Hygiene Law, failing to post conspicuously at the site of such practice the names and licensure field of all of the principal professional licensees engaged in practice at that site (i.e., principal partners, officers or principal shareholders).

**Section 29.4**

**SPECIAL PROVISIONS FOR THE PROFESSION OF MEDICINE**

(a) Unprofessional conduct in the practice of medicine shall include all conduct prohibited by sections 29.1 and 29.2 of this Part except as provided in this section, and shall also include the following:

(1) knowingly or willfully performing a complete or partial autopsy on a deceased person without lawful authority;

(2) failing to comply with a signed agreement to practice medicine in New York State in an area designated by the Commissioner of Education as having a shortage of physicians or refusing to repay medical education costs in lieu of such required service, or failing to comply with any provision of a written agreement with the State or any municipality within which the licensee has agreed to provide medical service, or refusing to repay funds in lieu of such service as consideration of awards made by the State or any municipality thereof for his or her professional education in medicine, or failing to comply, with any agreement entered into to aid his or her medical education;

(3) a physician who prescribes or dispenses lenses or frames for the correction of vision shall be subject to the provisions of sections 29.8 and 29.9 of this Part relating to unprofessional conduct in optometry and/or ophthalmic dispensing;

(4) in the conduct of psychological research, failing to undertake reasonable efforts to remove the possible harmful aftereffects of emotional stress as soon as the design of the research permits, or failing to inform prospective research subjects or their authorized representatives fully of the danger of serious aftereffects, if such danger exists, before they are utilized as research subjects;

(5) in the interpretation of the provisions of section 29.1(b)(5) of this Part and in the treatment of sexual dysfunction as well as in other areas of the practice of psychiatry:

(i) immoral conduct shall include any physical contact of a sexual nature between physician and patient; but immoral conduct shall not include the use of films and/or other audiovisual aids with individuals or groups in the development of appropriate responses to overcome sexual dysfunction;

(ii) in therapy groups, immoral conduct shall include activities which promote explicit physicial sexual contact between group members during session.

I. Medical Schools and Schools of Basic Medical Sciences in the United States

II. Medical Schools in Canada

III. Schools of Osteopathic Medicine

## Table I

## Medical Schools and Schools of Basic Medical Sciences in the United States With Accredited Programs, 1984-1985*

| Medical Schools (Ownership) | Year Organized | Dean or Executive Officer |
|---|---|---|
| **ALABAMA** | | |
| University of Alabama School of Medicine, Birmingham 35294 (public) | 1859 | James A. Pittman, Jr., MD |
| University of South Alabama College of Medicine, Mobile 36688 (public) | 1967 | Stanley E. Crawford, MD |
| **ARIZONA** | | |
| University of Arizona College of Medicine Tucson 85724 (public) | 1962 | Louis J. Kettel, MD |
| **ARKANSAS** | | |
| University of Arkansas College of Medicine, Little Rock 77205 (public) | 1879 | Thomas A. Bruce, MD |
| **CALIFORNIA** | | |
| Loma Linda University School of Medicine, Loma Linda 92350 (private) | 1909 | G. Gordon Hadley, MD |
| Stanford University School of Medicine, Palo Alto 94305 (private) | 1908 | Dominick P. Purpura, MD |
| University of California, Davis, School of Medicine, Davis 95616 (public) | 1963 | Hibbard E. Williams, MD |
| University of California, Irvine California College of Medicine, Irvine 92717 (public) | 1962 | Stanley van den Noort, MD |
| University of California, Los Angeles, School of Medicine, Los Angeles 90024 (public) | 1951 | Sherman M. Mellinkoff, MD |
| University of California, San Diego, School of Medicine, La Jolla 92093 (public) | 1962 | Robert G. Petersdorf, MD |
| University of California, San Francisco, School of Medicine, San Francisco 94143 (public) | 1864 | Rudi Schmid, MD |
| University of Southern California School of Medicine, Los Angeles 90033 (private) | 1885 | Joseph P. Van Der Meulen, MD |
| **COLORADO** | | |
| University of Colorado School of Medicine Denver 80262 (public) | 1883 | Joseph W. St. Geme, Jr., MD |
| **CONNECTICUT** | | |
| University of Connecticut School of Medicine, Farmington 06032 (public) | 1961 | Eugene M. Sigman, MD |
| Yale University School of Medicine, New Haven 06510 (private) | 1812 | Leon E. Rosenberg, MD |

| Medical Schools (Ownership) | Year Organized | Dean or Executive Officer |
|---|---|---|
| **DISTRICT OF COLUMBIA** | | |
| Georgetown University School of Medicine, 20007 (private) | 1851 | John F. Stapleton, MD (Acting) |
| George Washington University School of Medicine and Health Sciences, 20037 (private) | 1825 | Ronald P. Kaufman, MD |
| Howard University College of Medicine, 20059 (private) | 1868 | Russell L. Miller, MD |
| **FLORIDA** | | |
| University of Florida College of Medicine, Gainesville 32610 (public) | 1956 | William B. Deal, MD |
| University of Miami School of Medicine, Miami 33101 (private) | 1952 | Bernard J. Fogel, MD |
| University of South Florida College of Medicine, Tampa 33612 (public) | 1965 | Andor Szentivanyi, MD, PhD |
| **GEORGIA** | | |
| Emory University School of Medicine, Atlanta 30322 (private) | 1854 | Richard M. Krause, MD |
| Medical College of Georgia, Augusta 30912 (public) | 1828 | Paul D. Webster III, MD (Interim) |
| Morehouse School of Medicine, Atlanta 30314 (private) | 1978 | Louis W. Sullivan, MD |
| **HAWAII** | | |
| University of Hawaii John A. Burns School of Medicine, Honolulu 96822 (public) | 1967 | Terence A. Rogers, Phd |
| **ILLINOIS** | | |
| Loyola University of Chicago, Stritch School of Medicine, Maywood 60153 (private) | 1915 | John R. Tobin, Jr., MD |
| Northwestern University Medical School, Chicago 60611 (private) | 1859 | Harry N. Beaty, MD |
| Rush Medical College, Chicago 60612 (private) | 1837 | Henry P. Russe, MD |
| Southern Illiniois University School of Medicine, Springfield 62708 (public) | 1969 | Richard H. Moy, MD |
| University of Chicago Pritzker School of Medicine, Chicago 60637 (private) | 1924 | Donald W. King, MD |
| University of Health Sciences–The Chicago Medical School, North Chicago 60064 (private) | 1912 | Marshall A. Falk, MD |
| University of Illinois College of Medicine, Chicago 60612 (public) | 1881 | Phillip M. Forman, MD |
| **INDIANA** | | |
| Indiana University School of Medicine, Indianapolis 46223 (public) | 1903 | Walter J. Daly, MD |

| Medical Schools (Ownership) | Year Organized | Dean or Executive Officer |
|---|---|---|
| **IOWA** | | |
| University of Iowa College of Medicine, Iowa City 52242 (public) | 1869 | John W. Eckstein, MD |
| **KANSAS** | | |
| University of Kansas School of Medicine, Kansas City 66103 (public) | 1905 | Joseph C. Meek, MD |
| **KENTUCKY** | | |
| University of Kentucky College of Medicine, Lexington 40536 (public) | 1956 | Robin D. Powell, MD |
| University of Louisville School of Medicine, Louisville 40292 (public) | 1837 | Donald R. Kmetz, MD |
| **LOUISIANA** | | |
| Louisiana State University School of Medicine in New Orleans, 70112 (public) | 1931 | Robert F. Dyer, PhD (Acting) |
| Louisiana State University School of Medicine in Shreveport, 71130 (public) | 1966 | Darryl M. Williams, MD (Acting) |
| Tulane University School of Medicine, New Orleans 70112 (private) | 1834 | James T. Hamlin III, MD |
| **MARYLAND** | | |
| Johns Hopkins University School of Medicine, Baltimore 21205 (private) | 1893 | Richard S. Ross, MD |
| Uniformed Services University of the Health Sciences School of Medicine, Bethesda 20014 (public) | 1972 | Jay P. Sanford, MD |
| University of Maryland School of Medicine, Baltimore 21201 (public) | 1807 | John M. Dennis, MD |
| **MASSACHUSETTS** | | |
| Boston University School of Medicine, Boston 02118 (private) | 1873 | John I. Sandson, MD |
| Harvard Medical School, Boston 02115 (private) | 1782 | Daniel C. Tosteson, MD |
| Tufts University School of Medicine, Boston 02111 (private) | 1893 | Henry H. Banks, MD |
| University of Massachusetts Medical School, Worcester 01605 (public) | 1962 | Robert E. Tranquada, MD |
| **MICHIGAN** | | |
| Michigan State University College of Human Medicine, East Lansing 48824 (public) | 1964 | W. Donald Weston, MD |
| University of Michigan Medical School, Ann Arbor 48109 (public) | 1850 | Peter A. Ward, MD (Interim) |
| Wayne State University School of Medicine, Detroit 48201 (public) | 1885 | Henry L. Nadler, MD |

| Medical Schools (Ownership) | Year Organized | Dean or Executive Officer |
|---|---|---|
| **MINNESOTA** | | |
| Mayo Medical School, Rochester 55905 (private) | 1971 | Franklyn G. Knox, MD |
| University of Minnesota Medical School, Minneapolis 55455 (public) | 1883 | David M. Brown, MD |
| **MISSISSIPPI** | | |
| University of Mississippi School of Medicine, Jackson 39216 (public) | 1903 | Norman C. Nelson, MD |
| **MISSOURI** | | |
| Saint Louis University School of Medicine, St. Louis 63104 (private) | 1901 | William Stoneman III, MD |
| University of Missouri, Columbia School of Medicine, Columbia 65212 (public) | 1841 | William P. Bradshaw, MD |
| University of Missouri, Kansas City School of Medicine, Kansas City 64108 (public) | 1968 | Harry S. Jonas, MD |
| Washington University School of Medicine, St. Louis 63110 (private) | 1855 | M. Kenton King, MD |
| **NEBRASKA** | | |
| Creighton University School of Medicine, Omaha 68178 (private) | 1892 | Richard L. O'Brien, MD |
| University of Nebraska College of Medicine, Omaha 68105 (public) | 1881 | Robert Waldman, MD |
| **NEVADA** | | |
| University of Nevada School of Medicine, Reno 89557 (public) | 1969 | Robert M. Daugherty, Jr., MD, PhD |
| **NEW HAMPSHIRE** | | |
| Dartmouth Medical School, Hanover 03756 (private) | 1797 | Robert W. McCollum, MD |
| **NEW JERSEY** | | |
| University of Medicine and Dentistry of New Jersey–New Jersey Medical School, Newark 07103 (public) | 1956 | Vincent Lanzoni, MD, PhD |
| University of Medicine and Dentistry of New Jersey–Rutgers Medical School, Piscataway 08854 (public) | 1966 | Richard C. Reynolds, MD |
| **NEW MEXICO** | | |
| University of New Mexico School of Medicine, Albuquerque 87131 (public) | 1961 | Leonard M. Napolitano, PhD |
| **NEW YORK** | | |
| Albany Medical College of Union University, Albany 12208 (private) | 1838 | Robert L. Friedlander, MD, PhD |

| Medical Schools (Ownership) | Year Organized | Dean or Executive Officer |
|---|---|---|
| **NEW YORK – (continued)** | | |
| Albert Einstein College of Medicine of Yeshiva University, New York 10461 (private) | 1955 | Dominick P. Purpura, MD |
| Columbia University College of Physicians and Surgeons, New York 10032 (private) | 1767 | Henrick H. Bendixen, MD |
| Cornell University Medical College, New York 10021 (private) | 1898 | Thomas H. Meikle, Jr., MD |
| Mount Sinai School of Medicine of the City University of New York, New York 10029 (private) | 1963 | Nathan Kase, MD |
| New York Medical College, Valhalla 10595 (private) | 1858 | Arthur H. Hayes, Jr., MD |
| New York University School of Medicine, New York 10016 (private) | 1841 | Saul J. Farber, MD (Acting) |
| State University of New York at Buffalo School of Medicine, Buffalo 14214 (public) | 1846 | John Naughton, MD |
| State University of New York, Downstate Medical Center, College of Medicine, Brooklyn 11203 (public) | 1858 | Richard H. Schwarz, MD |
| State University of New York at Stony Brook School of Medicine, Stony Brook 11794 (public) | 1962 | Marvin Kuschner, MD |
| State University of New York, Upstate Medical Center, College of Medicine, Syracuse 13210 (public) | 1834 | George F. Reed, MD |
| University of Rochester School of Medicine and Dentistry, Rochester 14642 (private) | 1920 | Robert J. Joynt, MD, PhD |
| **NORTH CAROLINA** | | |
| Bowman Gray School of Medicine of Wake Forest University, Winston-Salem 27103 (private) | 1902 | Richard Janeway, MD |
| Duke University School of Medicine, Durham 27710 (private) | 1925 | Arthur C. Christakos, MD |
| East Carolina University School of Medicine, Greenville 27834 (public) | 1967 | William E. Laupus, MD |
| University of North Carolina at Chapel Hill School of Medicine, Chapel Hill 27514 (public) | 1879 | Stuart Bondurant, MD |
| **NORTH DAKOTA** | | |
| University of North Dakota School of Medicine, Grand Forks 58202 (public) | 1905 | Tom M. Johnson, MD |

| Medical Schools (Ownership) | Year Organized | Dean or Executive Officer |
|---|---|---|
| **OHIO** | | |
| Case Western Reserve University School of Medicine, Cleveland 44106 (private) | 1843 | Richard E. Behrman, MD |
| Medical College of Ohio at Toledo, 43699 (public) | 1964 | John P. Kemph, MD |
| Northeastern Ohio Universities College of Medicine, Rootstown 44272 (public) | 1973 | Colin Campbell, MD |
| Ohio State University College of Medicine, Columbus 43210 (public) | 1907 | Manuel Tzagournis, MD |
| University of Cincinnati College of Medicine, Cincinnati 45267 (public) | 1819 | Robert S. Daniels, MD |
| Wright State University School of Medicine, Dayton 45401 (public) | 1973 | William D. Sawyer, MD |
| **OKLAHOMA** | | |
| Oral Roberts University School of Medicine, Tulsa 74171 (private) | 1974 | Larry Edwards, MD |
| University of Oklahoma College of Medicine, Oklahoma City 73190 (public) | 1900 | G. Rainey Williams, MD (Interim) |
| **OREGON** | | |
| Oregon Health Sciences University School of Medicine, Portland 97201 (public) | 1887 | John W. Kendall, MD |
| **PENNSYLVANIA** | | |
| Hahnemann University School of Medicine, Philadelphia 19102 (private) | 1848 | Israel Zwerling, MD, PhD (Interim) |
| Jefferson Medical College of Thomas Jefferson University, Philadelphia 19107 (private) | 1825 | Joseph S. Gonnella, MD |
| Medical College of Pennsylvania, Philadelphia 19129 (private) | 1850 | Alton I. Sutnick, MD |
| Pennsylvania State University College of Medicine, Hershey 17033 (state-related) | 1963 | Harry Prystowsky, MD |
| Temple University School of Medicine, Philadelphia 19140 (state-related) | 1901 | Sol Sherry, MD |
| University of Pennsylvania School of Medicine, Philadelphia 19104 (private) | 1765 | Edward J. Stemmler, MD |
| University of Pittsburgh School of Medicine, Pittsburgh 15261 (state-related) | 1886 | Thomas Detre, MD (Interim) |
| **PUERTO RICO** | | |
| Ponce School of Medicine, Ponce 00732 (private) | 1978 | Enrique Mendez, Jr., MD |
| Universidad Central del Caribe, Escuela de Medicina, Cayey 00633 (private) | 1976 | Raul A. Marcial-Rojas, MD, JD |

| Medical Schools (Ownership) | Year Organized | Dean or Executive Officer |
|---|---|---|
| University of Puerto Rico School of Medicine, San Juan 00936 (public) | 1949 | Pedro J. Santiago-Borrero, MD |
| **RHODE ISLAND** | | |
| Brown University Program in Medicine, Providence 02912 (private) | 1963 | David S. Greer, MD |
| **SOUTH CAROLINA** | | |
| Medical University of South Carolina College of Medicine, Charleston 29425 (public) | 1823 | W. Marcus Newberry, Jr., MD |
| University of South Carolina School of Medicine, Columbia 29208 (public) | 1974 | J. O'Neal Humphries, MD |
| **SOUTH DAKOTA** | | |
| University of South Dakota School of Medicine, Vermillion 57069 (public) | 1907 | Robert H. Quinn, MD |
| **TENNESSEE** | | |
| East Tennessee State University Quillen-Dishner College of Medicine, Johnson City 37614 (public) | 1978 | Hershel L. Douglas, MD |
| Meharry Medical College School of Medicine, Nashville 37208 (private) | 1876 | Walter F. Leavell, MD |
| University of Tennessee, Center for the Health Sciences, College of Medicine, Memphis 38163 (public) | 1851 | Robert L. Summitt, MD |
| Vanderbilt University School of Medicine, Nashville 37232 (private) | 1874 | John E. Chapman, MD |
| **TEXAS** | | |
| Baylor College of Medicine, Houston 77030 (private) | 1900 | William T. Butler, MD |
| Texas A & M University College of Medicine, College Station 77843 (public) | 1971 | Robert S. Stone, MD |
| Texas Tech University Health Sciences Center School of Medicine, Lubbock 79430 (public) | 1969 | J. Ted Hartman, MD (Interim) |
| University of Texas Medical Branch at Galveston, 77550 (public) | 1890 | George T. Bryan, MD |
| University of Texas Medical School at Houston, 77225 (public) | 1969 | Louis A. Faillace, MD |
| University of Texas Medical School at San Antonio, 78284 (public) | 1966 | Timothy N. Caris, MD |
| University of Texas Southwestern Medical School at Dallas, 75235 (public) | 1943 | Kern Wildenthal, MD, PhD |
| **UTAH** | | |
| University of Utah School of Medicine, Salt Lake City 84132 (public) | 1905 | Cecil O. Samuelson, Jr., MD |

| Medical Schools (Ownership) | Year Organized | Dean or Executive Officer |
|---|---|---|
| **VERMONT** | | |
| University of Vermont College of Medicine, Burlington 05405 (public) | 1822 | William H. Luginbuhl, MD |
| **VIRGINIA** | | |
| Eastern Virginia Medical School, Norfolk 23501 (private) | 1973 | Richard G. Lester, MD |
| University of Virginia School of Medicine, Charlottesville 22908 (public) | 1827 | Norman J. Knorr, MD |
| Virginia Commonwealth University Medical College of Virginia, Richmond 23298 (public) | 1838 | Leo J. Dunn, MD (Acting) |
| **WASHINGTON** | | |
| University of Washington School of Medicine, Seattle 98195 (public) | 1945 | David C. Dale, MD |
| **WEST VIRGINIA** | | |
| Marshall University School of Medicine, Huntington 25701 (public) | 1974 | Lester R. Bryant, MD, ScD |
| West Virginia University School of Medicine, Morgantown 26506 (public) | 1902 | Richard A. DeVaul, MD |
| **WISCONSIN** | | |
| Medical College of Wisconsin, Milwaukee 53226 (private) | 1912 | Edward J. Lennon, MD |
| University of Wisconsin Medical School, Madison 53706 (public) | 1907 | Arnold L. Brown, MD |
| **SCHOOL OF BASIC MEDICAL SCIENCES** | | |
| **MINNESOTA** | | |
| University of Minnesota Duluth School of Medicine, Duluth 55812 (public) | 1969 | Paul C. Royce, MD, PhD |
| **DEVELOPING MEDICAL SCHOOLS – OPERATIONAL PROGRAMS WITH PROVISIONAL ACCREDITATION** | | |
| **GEORGIA** | | |
| Mercer University School of Medicine, Macon 31207 (private) | 1973 | W. Douglas Skelton, MD |

* As of July 1, 1985.

## Table II

## Medical Schools in Canada With Accredited programs, 1984-1985*

| Medical Schools | Year Organized | Ownership | Chief Administrative Officer |
|---|---|---|---|
| **NEWFOUNDLAND** | | | |
| Memorial University of Newfoundland, Faculty of Medicine, St. John's A 1B 3V6 | 1967 | Public | A. R. Cox, MD |
| **NOVA SCOTIA** | | | |
| Dalhousie University, Faculty of Medicine, Halifax B3H 4H7 | 1868 | Private | T. J. Murray, MD |
| **QUEBEC** | | | |
| Universite Laval, Faculte de medecine, Quebec G1K 7P4 | 1853 | Privee | J. Rochon, MD |
| Universite de Sherbrooke, Faculte de medecine, Sherbrooke J1H 5N4 | 1961 | Privee | G. Pigeon, MD |
| Universite de Montreal, Faculte de medecine, Montreal H3H 3T7 | 1877 | Privee | Y. Gauthier, MD |
| McGill University, Faculty of Medicine Montreal H3G 1Y6 | 1829 | Private | R. L. Cruess, MD |
| **ONTARIO** | | | |
| University of Ottawa, Faculty of Medicine, Ottawa K 1N 8M5 | 1945 | Private | G. D. Hurteau, MD |
| Queen's University, Faculty of Medicine, Kingston, K7L 3N6 | 1854 | Private | D. L. Wilson, MD |
| University of Toronto, Faculty of Medicine, Toronto M5S 1A8 | 1887 | Public | F. H. Lowy, MD |
| McMaster University, Faculty of Medicine, Hamilton L8S 4J9 | 1965 | Private | G. H. Flight, MD (Acting) |
| University of Western Ontario, Faculty of Medicine, London N6A 5C1 | 1882 | Private | L. Valberg, MD |
| **MANITOBA** | | | |
| University of Manitoba, Faculty of Medicine, Winnipeg R3E OW3 | 1883 | Public | J.G. Wade, MD |
| **SASKATCHEWAN** | | | |
| University of Saskatchewan, College of Medicine, Saskatoon S7N OWO | 1926 | Public | I. McDonald, MD |
| **ALBERTA** | | | |
| University of Alberta, Faculty of Medicine, Edmonton T6H 2G3 | 1913 | Public | D. Wilson, MD |

| Medical Schools | Year Organized | Ownership | Chief Administrative Officer |
|---|---|---|---|
| **ALBERTA – (continued)** | | | |
| University of Calgary, Faculty of Medicine, Calgary T2N 1N4 | 1965 | Public | M. Watanabe, MD |
| **BRITISH COLUMBIA** | | | |
| University of British Columbia, Faculty of Medicine, Vancouver V6T 1W5 | 1950 | Public | W. A. Webber, MD |

* Updated as of May 1985.

| Schools | First Class Enrolled | Dean or Executive Officer |
|---|---|---|
| **CALIFORNIA** | | |
| College of Osteopathic Medicine of the Pacific, Pomona 91766-1889 | 1978 | O.J. Bailes, DO |
| **FLORIDA** | | |
| Southeastern College of Osteopathic Medicine, Miami Beach 33162 | 1981 | Arnold Melnick, DO |
| **ILLINOIS** | | |
| Chicago College of Osteopathic Medicine Chicago 60615 | 1900 | Thomas W. Allen, DO |
| **IOWA** | | |
| University of Osteopathic Medicine and Health Sciences, College of Osteopathic Medicine and Surgery, Des Moines 50312 | 1898 | Joseph A. Walsh, DO |
| **MAINE** | | |
| University of New England, College of Osteopathic Medicine, Biddeford 04005 | 1978 | Vacant |
| **MICHIGAN** | | |
| Michigan State University, College of Osteopathic Medicine, East Lansing 48824 | 1969 | Myron S. Magen, DO |
| **MISSOURI** | | |
| The University of Health Sciences College of Osteopathic Medicine Kansas City 64124 | 1916 | Leonard Mennen, DO |
| Kirksville College of Osteopathic Medicine, Kirksville 63501 | 1926 | James R. Stookey, DO |
| **NEW JERSEY** | | |
| University of Medicine and Dentistry School of Osteopathic Medicine Camden 08103 | 1977 | Gerald Scharf, DO |
| **NEW YORK** | | |
| New York College of Osteopathic Medicine of New York Institute of Technology, Old Westbury 11568 | 1977 | Philip F. Fleisher, DO |

| Schools | First Class Enrolled | Dean or Executive Officer |
|---|---|---|
| **OHIO** | | |
| Ohio University College of Osteopathic Medicine, Athens 45701 | 1976 | Frank W. Myers, DO |
| **OKLAHOMA** | | |
| The Oklahoma College of Osteopathic Medicine and Surgery, Tulsa 74107 | 1974 | Jack R. Wolfe, DO |
| **PENNSYLVANIA** | | |
| Philadelphia College of Osteopathic Medicine, Philadelphia 19131 | 1921 | Jon Peter Tilley, DO |
| **TEXAS** | | |
| Texas College of Osteopathic Medicine Fort Worth 76107 | 1970 | David M. Richards, DO |
| **WEST VIRGINIA** | | |
| West Virginia School of Osteopathic Medicine, Lewisburg 24901 | 1974 | Harry P. Kornhiser, DO |